

# STATE OF SOUTH CAROLINA JUDICIAL DEPARTMENT



## ANNUAL ACCOUNTABILITY REPORT FISCAL YEAR 2004 - 2005

September 15, 2005

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**Accountability Report Transmittal Form**

Agency Name: South Carolina Judicial Department

Date of Submission: September 15, 2005

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## SECTION I

### EXECUTIVE SUMMARY

#### **1. MISSION AND VALUES**

By the adoption of Article V, Section 1, of the South Carolina Constitution, the people of this State established the Judicial Department as the administrator of a unified judicial system (the Judicial Branch), one of the three co-equal branches of South Carolina State Government.<sup>1</sup> At some point, virtually all citizens of the state have contact with the Judicial Department, whether that contact is direct because of involvement in a civil dispute or criminal matter, or indirect because the citizen's life is impacted by a decision of a trial or appellate court that could involve local zoning, taxation, or interpretation of a state statute. The Judicial Department strives to provide a court system that not only is fair but that the citizens of the state perceive as treating all persons equally and as resolving all matters in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.

**The mission of the Judicial Department is to ensure that an accessible forum is available for the resolution of civil disputes and criminal matters and to resolve those cases in a fair and efficient manner.**

Values are defined as the principles, goals, and standards held by society. The Judicial Department balances the tradition of the courts with its modernization by upholding its core values:

- Fundamental belief in justice for all
- Commitment to the people of South Carolina
- Focus on improving results
- Dedication to collaboration within the Judicial Branch and with appropriate outside entities
- Expectation of professional and ethical behavior

#### **2. MAJOR ACHIEVEMENTS FROM PAST YEAR**

Through the combined efforts of judges, administration and staff, the Judicial Department has attained notable achievements this year. Some of the accomplishments significantly improved specific operations within the courts while others have solidified the changing paradigm, culture and mindset of individuals working in and with the Judicial Branch. Ten major achievements have been identified:

- For the first time since 1971, South Carolina hosted the Annual Meeting of the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) in Charleston at the end of July 2005. This year's conference was the first one in Conference history to use a website for registration and email as the primary means of communication

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<sup>1</sup> Throughout this report, the term "Judicial Department" includes those departments and divisions directly funded by the State. The term Judicial Branch refers to all entities included in the unified judicial system, funded both by the State and locally by counties and municipalities.

among participants. Chief Justice Toal served as the keynote speaker for this prestigious event, explaining South Carolina's court modernization efforts. This event was the most well attended of any of the recent CCJ/COSCA Annual Meetings, with representatives from nearly all fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam, and the Virgin Islands.

- In conjunction with the South Carolina Bar, the education and administration of the Judges' and Lawyers' Oaths to all judges and lawyers in the state were completed. These oaths were revised to emphasize professionalism both in relations between lawyers and their clients, other lawyers and judges, and in courtroom conduct. The lawyers and judges received Continuing Legal Education (CLE) credits from the South Carolina Bar for participation in the seminars on new oaths.
- The general public, legal community and law enforcement's reliance upon the Judicial website continued to increase throughout the year. By the end of the fiscal year in June, more than 5 million hits per month were being received on the Judicial Department website [www.sccourts.org](http://www.sccourts.org).
- The Judicial Department completed the migration of the statewide court case management system into a supported version of the software development environment. This migration enables the counties to choose between the DB2 AS400 or Windows SQL Server platforms. The system is in production in Greenville, Pickens, and Richland counties. Multiple teams now are being assembled to accelerate the deployment in the remaining counties.
- The Judicial Department, working with the South Carolina Bar and the South Carolina Education Television Commission, has continued to improve its very successful "Class Action" program. The program allows junior and senior high school students to read briefs prior to oral argument, attend arguments before the Supreme Court, and engage in a question and answer session with the Court, within the limits of the Court's confidentiality policy, about issues in the case. During this fiscal year, the program has been improved by identifying one case each month as the Case of the Month. The briefs and a video of the oral arguments in this case are available on the Judicial Department website so students who cannot attend the live arguments may participate in the program.
- In partnership with the South Carolina Bar, the Judicial Department developed a training video for Family Court Judges regarding the impact of the judicial system and judicial decisions on the life of children caught in situations of child abuse and neglect. This video was first viewed by the Family Court Judges at the 2004 Annual Judicial Conference. Since then, this video has been used as a tool for training Family Court Judges.
- The Chief Justice, in coordination with the South Carolina Law Enforcement Division, has formed a committee to study and make recommendations on improving courtroom security. The committee is composed of state law enforcement officials, sheriffs, corrections officials, clerks of court, and other court personnel. The goal of this committee is to generate

standards for courtroom security that can be made applicable to courts at all levels to avoid the tragic incidents that occurred during the year in courtrooms in Atlanta and Chicago.

- The Supreme Court adopted significant changes to the Rules of Professional Conduct contained in Rule 407 of the South Carolina Appellate Court Rules. These rules, which provide the ethical standards for lawyers, were amended to incorporate many of the changes made by the American Bar Association as part of its Ethics 2000 initiative. Prior to adopting these changes, the Court solicited written comments from the bench, bar and public and conducted a public hearing on the proposed changes.
- In conjunction with the South Carolina Bar, the Supreme Court conducted the first Supreme Court Institute for high school teachers. This program, which was modeled on a program developed by the Wisconsin Supreme Court, is a professional development program that allows secondary teachers to learn about the judicial system in South Carolina through interaction with attorneys, judges, court employees and members of the Supreme Court. This intensive, two-and-a-half-day program gives educators a variety of new tools for teaching about the courts and the justice system in a way that is relevant and interesting to their students.
- This year, South Carolina joined the Consortium for State Court Interpreter Certification. Membership in the consortium will help enhance the professional competence standards for court interpreters and provide a statewide mechanism for ensuring that interpreters possess the appropriate minimum skills required for interpreting in a court setting.

### **3. KEY STRATEGIC GOALS FOR PRESENT AND FUTURE YEARS**

The following significant efforts are planned for the Judicial Department:

- Continue to serve the public by resolving cases in accordance with the benchmarks established for appellate and trial court cases.
- Continue to protect the public by improving the triage system within the Office of Disciplinary Counsel. Furthermore, continue collaboration with the Attorney General's Office, solicitors, and the Office of Disciplinary Counsel to establish a system to prosecute lawyers who have stolen money from clients or other entities.
- Complete an intense review of the operations, procedures, and processes of the Circuit and Family Courts by a Blue Ribbon Task Force established by the Chief Justice. The results of this review will be used to improve consistency throughout the state and serve as the starting point for updating the Judicial Department strategic plan.
- Complete establishment of reliable, high-speed Internet connectivity to all judicial facilities and judicial personnel in the state (all eight levels of court). The Magistrate Courts in approximately 12 of the 46 counties are the remaining judicial facilities to be connected. Simultaneously, the Judicial Department will continue to work with the most rural counties to increase the overall stability, reliability, and capacity of their county networks that include the judicial facilities.
- Increase the efficiency of the day-to-day court operations with the deployment of the statewide court case management system to all the counties in the state.

- Develop an online bar admissions application and automated bar admissions tracking system.
- Update the Code of Conduct for all employees of the Judicial Department.
- Develop a Code of Conduct for County Clerks of Court.
- Increase services provided through the Judicial Department website.
- Develop a direct, near real-time, electronic interface with other agencies in the state including South Carolina Law Enforcement Division (SLED), Department of Motor Vehicles (DMV), Department of Pardon, Probation and Parole (DPPP), South Carolina Department of Corrections (SCDC), and others in accordance with the homeland security interface standards developed by the US Department of Justice.
- Revise record retention schedules and get approval from State Archives to only have digital images as the Court's record.
- Develop standards for courtroom security that can be implemented at all levels of the judicial system.

#### **4. OPPORTUNITIES AND BARRIERS**

##### **4.1 Opportunities**

Opportunities for the Judicial Department for FY 2005 - 2006 are based on further leveraging the resources and skills of all Judicial Branch entities as follows:

- The Judicial Department continues its multi-year initiative to modernize the judicial system through the incorporation of technology into everyday court operations. The Judicial Department will continue partnerships with other state and federal agencies, including SLED, DPS, SCDC, DPPP, DSS, Department of Revenue, Election Commission, and the Office of the State CIO. In addition, the Judicial Department will continue its close collaboration with each of the 46 counties.
- Homeland Security is currently on the forefront of public awareness. The criminal justice system, specifically law enforcement and the courts, has become a focus of emphasis for public safety. The threat posed by terrorism highlights the critical role of our nation's state courts in maintaining the rule of law, which is the foundation of a civilized society.
- With the increased funding authorization provided by the Legislature, the Judicial Department has begun to resume judicial rotation as required by the state constitution as well as other judicial programs that have had to be reduced or eliminated in recent years. Stability in funding sources is now the emphasis.

##### **4.2 Barriers**

The Judicial Department's ability to meet its goals is directly affected by constitutional mandates and separation of powers. Criminal prosecution is an Executive Branch function, and the number of cases filed and the disposition rate of those cases are largely controlled by the prosecutorial arm of state government. The Legislative Branch enacts legislation that impacts the Judicial Department's ability to meet its goals, as new laws are enforced by the Executive Branch and must be interpreted by the Judicial Department. The level of funding provided to the Judicial Department by the Legislative Branch is the overwhelmingly determinative factor in the quantity and quality of resources available to achieve the Judicial Department's objective to provide an efficient forum for resolution of issues brought forth through Legislative Branch enactments and actions initiated by the

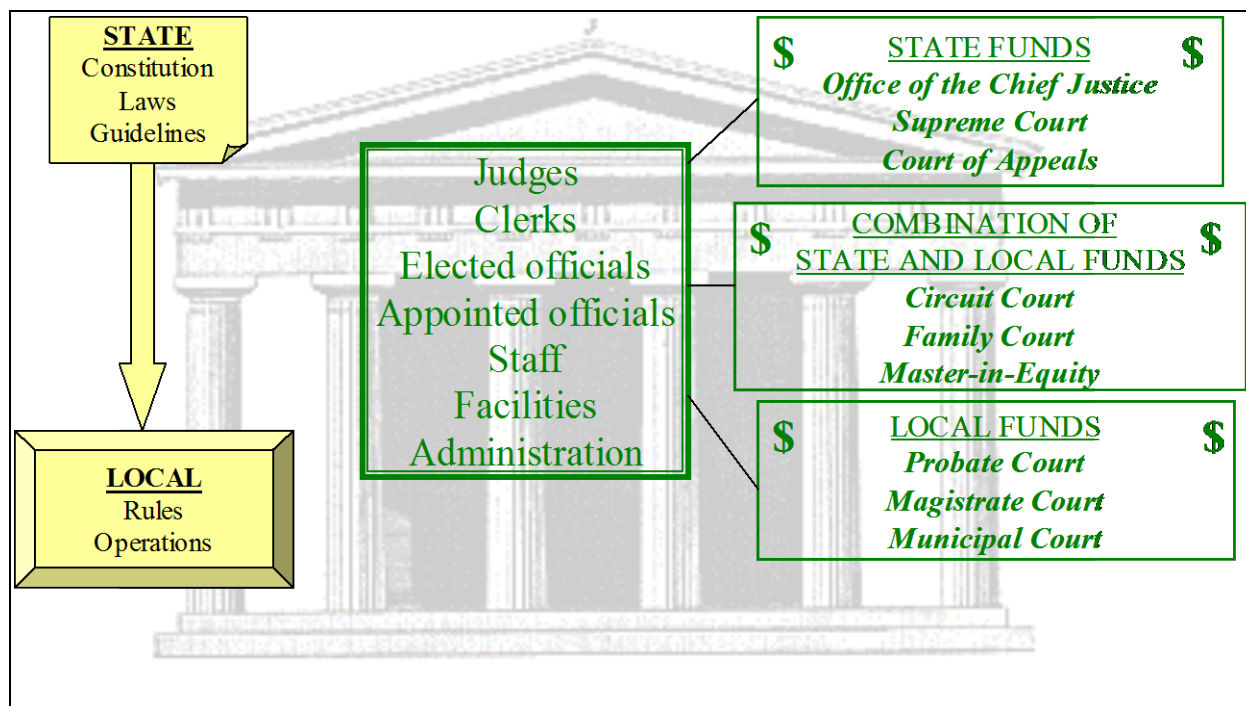
Executive Branch and citizens. Much of the needed funding has been provided by the Legislature through temporary provisos.

The barriers being faced by the Judicial Branch are:

- Although turnover rates for Judicial Department employees remain low, they are beginning to rise. The rise in insurance rates coupled with an improved job market due to the improving economic conditions, will likely be a barrier to retaining experienced employees. Hopefully the recognition by the Legislature in helping the Judicial Department acquire stable funding will ameliorate this situation.
- Counties without technology resources continue to increase their reliance on the Judicial Department for technology support. Therefore, the limited Information Technology (IT) staff of the Judicial Department is serving as the direct technology support for the most rural counties, diverting them from their direct duties. Essentially, Judicial Department IT is serving as the county IT support for the 12 to 15 most rural counties.
- The vision and expectations of other state technology focused agencies are not aligned with the vision and expectations of the Judicial Department, both in regards to itself and these other agencies.
- The fact that public/private information laws have not yet been determined at a national level leaves the Judicial Department, as well as the state of South Carolina as a whole, vulnerable to the discretion of the decisions by each individual local government. To begin addressing this issue, the Judicial Department intends to form a committee in a manner similar to other states such as Minnesota, Florida, and New York and take advantage of a study to be conducted by the National Center for State Courts (NCSC) next year.
- Based upon a joint study by the Conference of State Court Administrators, Bureau of Justice Statistics (BJA), and the National Center for State Courts (NCSC), South Carolina currently ranks 48<sup>th</sup> out of 48 reporting states (including the District of Columbia) with regards to filings per judge. South Carolina has only 1.2 judges per 100,000 population and more than 3,790 filings per judge. Massachusetts is ranked first with only 391 cases per judge. Streamlining and doing more with less has its limits with regards to effectiveness. South Carolina courts have not had any additional judge positions in the Circuit and Family Courts in the last decade while the total caseload in the South Carolina Courts has continued to increase. Three (3) new Circuit Court Judge positions and three (3) new Family Court Judge positions have been requested of the Legislature.
- Finally, the ability to provide adequate services for all levels of the unified judicial system relies in large part on local funding. County and municipal governments bear responsibility to provide funding for county courthouses, clerks of court, magistrates, municipal judges, probate judges, and masters-in-equity and their staffs. A combination of state and local funding sources are required to operate the eight levels of court constituting the Judicial Branch.

**Figure 4.2-1: Funding Sources for the Eight Levels of Court**





## **5. HOW THE ACCOUNTABILITY REPORT IS USED TO IMPROVE ORGANIZATIONAL PERFORMANCE**

Throughout the year, the Chief Justice and Executive Team use the Accountability Report as a tool to assess progress toward goals and make adjustments in priorities, resource assignments, and allocations as required.

## SECTION II

### BUSINESS OVERVIEW

#### **1. NUMBER OF EMPLOYEES**

Table 1-1 identifies the various types of employees working for the Judicial Department.

**Table 1-1: Judicial Branch Employees**

<b>NUMBER OF EMPLOYEES</b>	<b>DESCRIPTION</b>	<b>LOCATION</b>	<b>FUNDING SOURCE</b>
14	Justices and Appellate Judges	Court in Columbia; Offices throughout the state	State
98	Circuit and Family Court Judges	Throughout the 46 counties	State
368	Law clerks, appellate court clerks, staff attorneys, court reporters, judges' administrative assistants and clerical staff	Throughout the 46 counties	State
88	Court Administration, Finance and Personnel, Information Technology, and Office of Disciplinary Counsel	Columbia	State
22 + Staff	Masters-in-Equity Judges	Throughout the 46 counties	County
46 + Staff	County Clerks of Court	Each of the 46 counties	County
18 + Staff	Registers of Deeds	Throughout the 46 counties	County
46 + Staff	Probate Judges	Throughout the 46 counties	County
314 + Staff	Magistrates	Throughout the 46 counties	County
332 + Staff	Municipal Judges	Throughout the 46 counties	Municipalities
1 + Staff	State Grand Jury Clerk	Columbia	State – Attorney General's Office

#### **2. OPERATION LOCATIONS**

The Supreme Court, Court of Appeals, Office of the Chief Justice and Court Administration are located in Columbia, with the other courts' facilities and personnel located throughout the 46 counties.

### **3. EXPENDITURES/APPROPRIATIONS CHART**

The expenditures and appropriations for the Judicial Department are listed in Tables 3-1, 3-2, and 3-3.

**Table 3-1: Base Budget Expenditures and Appropriations**

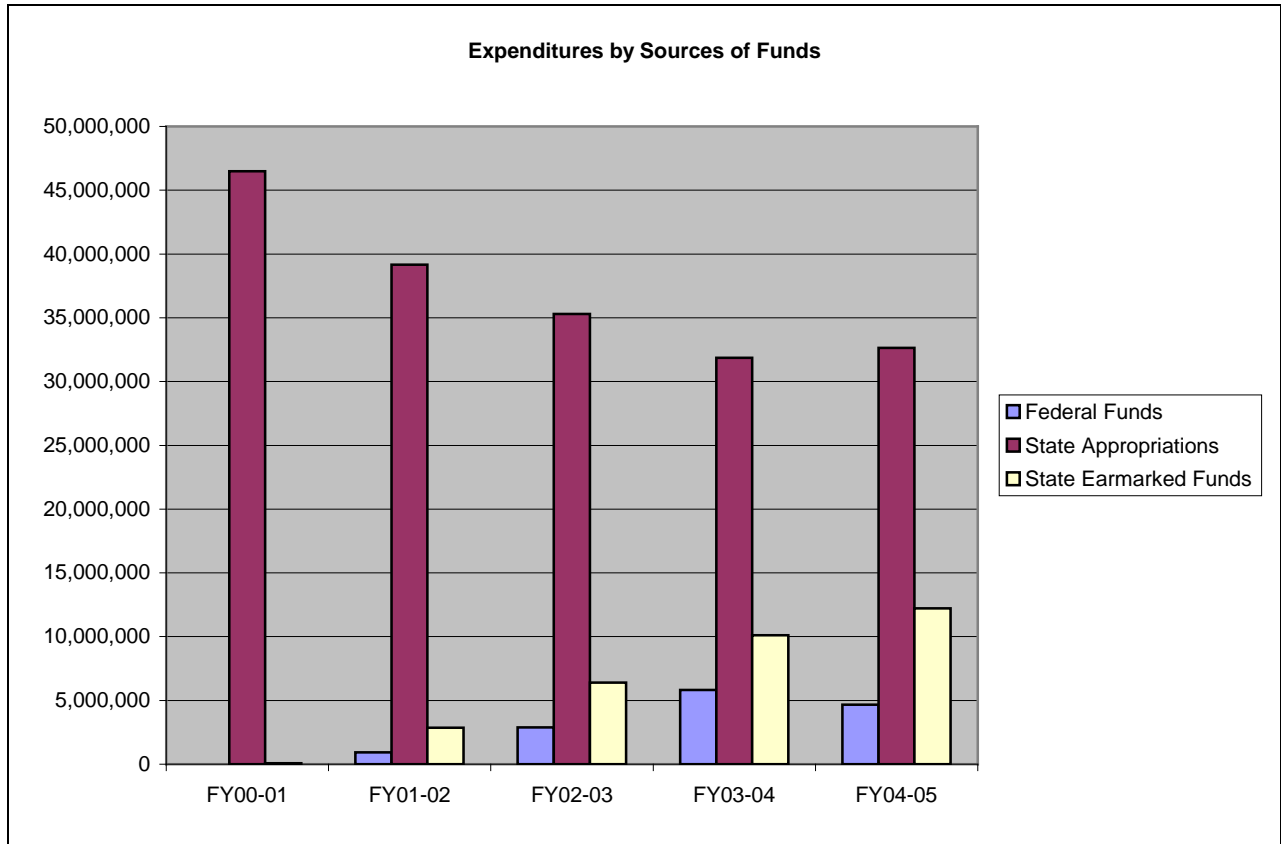
	<b>03-04 Actual Expenditures</b>		<b>04-05 Actual Expenditures</b>		<b>05-06 Appropriations Act</b>	
<b>Major Budget Categories</b>	<b>Total Funds</b>	<b>General Funds</b>	<b>Total Funds</b>	<b>General Funds</b>	<b>Total Funds</b>	<b>General Funds</b>
Personal Service	\$27,055,176	\$21,736,095	\$28,839,349	\$21,940,218	\$29,020,097	\$21,880,751
Other Operating	\$5,123,496	\$928,802	\$4,632,622	\$1,408,155	\$7,204,840	\$1,020,000
Special Items	\$4,525,582	\$0	\$4,492,618	\$12,000	\$6,025,000	\$201,000
Permanent Improvements	\$0	\$0	\$0	\$0	\$0	\$0
Case Services	\$329,930	\$0	\$353,215	\$0	\$0	\$0
Distributions to Subdivisions	\$0	\$0	\$0	\$0	\$0	\$0
Fringe Benefits	\$10,751,769	\$9,184,356	\$11,204,835	\$9,289,834	\$11,770,815	\$9,729,988
Non-recurring	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$47,785,953</b>	<b>\$31,849,253</b>	<b>\$49,522,639</b>	<b>\$32,650,207</b>	<b>\$54,020,752</b>	<b>\$32,831,739</b>

*\* In FY05-06, the General Assembly funded 60.8% of the Judicial Department's total budget needs. The remaining funds are currently received via unstable revenue sources such as fees, surcharges, and federal grants.*

**Table 3-2: Other Expenditures**

<b>Sources of Funds</b>	<b>03-04 Actual Expenditures</b>	<b>04-05 Actual Expenditures</b>
State Supplemental Bills	\$0	\$0
State Earmarked Funds	\$9,775,311	\$11,854,682
Federal Funds	\$5,831,459	\$4,664,535

**Table 3-3: Expenditures by Sources of Funds**



#### 4. MAJOR PROGRAM AREAS CHART

Major Program Areas						
Program Number and Title	Major Program Area Purpose (Brief)	FY 03-04 Budget Expenditures		FY 04-05 Budget Expenditures		Key Cross References for Financial Results*
Supreme Court	This is the highest court in the state. It interprets the law of South Carolina and is the final rule-making body for all other courts in the state.	State: 3,237,519.76 Federal: 0.00 Other: 1,097,584.56 Total: 4,335,104.32 % of Total Budget: 9%	7% 0% 2% 9%	State: 3,528,250.84 Federal: 0.00 Other: 906,613.28 Total: 4,434,864.12 % of Total Budget: 9%	7% 0% 2% 9%	Tables 2.1.1-1, 2.1.1-2, & Figures 2.1.1-1, 2.1.1-2.
Appeals Court	This is an intermediate appellate court. This court reviews decisions of the lower courts for procedural and/or legal errors.	State: 2,642,526.45 Federal: 0.00 Other: 1,573,363.90 Total: 4,215,890.35 % of Total Budget: 9%	6% 0% 3% 9%	State: 2,401,228.31 Federal: 0.00 Other: 2,646,620.34 Total: 5,047,848.65 % of Total Budget: 10%	5% 0% 5% 10%	Tables 2.2-1, 2.2-2 & Figure 2.2-1.
Circuit Court	The Circuit Courts are South Carolina's courts of general jurisdiction which are comprised of the General Sessions Courts (hear criminal cases) & Common Pleas (hear civil disputes).	State: 11,403,511.51 Federal: 0.00 Other: 3,327,080.43 Total: 14,730,591.94 % of Total Budget: 31%	24% 0% 7% 31%	State: 11,818,099.67 Federal: 0.00 Other: 4,125,955.81 Total: 15,944,055.48 % of Total Budget: 32%	24% 0% 8% 32%	Figures 2.5-1, 2.5-2, 2.5-4, 2.5-5 & Table 2.5-1.
Family Court	Family courts provide a forum for the resolution of disputes involving family matters: divorce, abuse and neglect, protection from domestic abuse, and juvenile matters.	State: 11,567,948.65 Federal: 0.00 Other: 1,876,135.90 Total: 13,444,084.55 % of Total Budget: 28%	24% 0% 4% 28%	State: 11,663,905.61 Federal: 0.00 Other: 2,239,392.95 Total: 13,903,298.56 % of Total Budget: 28%	23% 0% 5% 28%	Figures 2.5-3, 2.5-6 & Table 2.5-1.
Information Technology	IT provides the technology tools needed to modernize the Judicial Branch. It enables South Carolina to electronically exchange information with other state and local agencies.	State: 948,984.35 Federal: 5,831,458.86 Other: 810,517.50 Total: 7,590,960.71 % of Total Budget: 16%	2% 12% 2% 16%	State: 1,092,854.30 Federal: 4,664,534.96 Other: 692,714.76 Total: 6,450,104.02 % of Total Budget: 13%	2% 10% 1% 13%	N/A
Court Administration	Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system.	State: 945,954.60 Federal: 0.00 Other: 371,696.13 Total: 1,317,650.73 % of Total Budget: 3%	2% 0% 1% 3%	State: 1,017,154.75 Federal: 0.00 Other: 378,925.20 Total: 1,396,079.95 % of Total Budget: 3%	2% 0% 1% 3%	N/A

Below: List any programs not included above and show the remainder of expenditures by source of funds.

<b>Remainder of Expenditures:</b>	State: 1,102,807.51 Federal: 0.00 Other: 1,048,862.66 Total: 2,151,670.17 % of Total Budget: 4%	2% 0% 2% 4%	State: 1,128,713.33 Federal: 0.00 Other: 1,217,674.71 Total: 2,346,388.04 % of Total Budget: 5%	2% 0% 3% 5%
Bar Examiners, Disciplinary Counsel, Administration(Finance & Personnel), Judicial Commitment and Interpreters.				

\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the seventh section of this document.

#### 5. KEY CUSTOMERS SEGMENTS LINKED TO KEY PRODUCTS/ SERVICES

The key customers of the Judicial Branch include:

- Litigants and counsel
- Grievants
- Non-litigants participating in court proceedings
- Judges, clerks and staff at the locally-funded level

The key products and services provided to these customers are identified in **Section III – Category 3.**

#### 6. KEY STAKEHOLDERS

The key stakeholders of the Judicial Branch include:

- Members of the South Carolina Bar

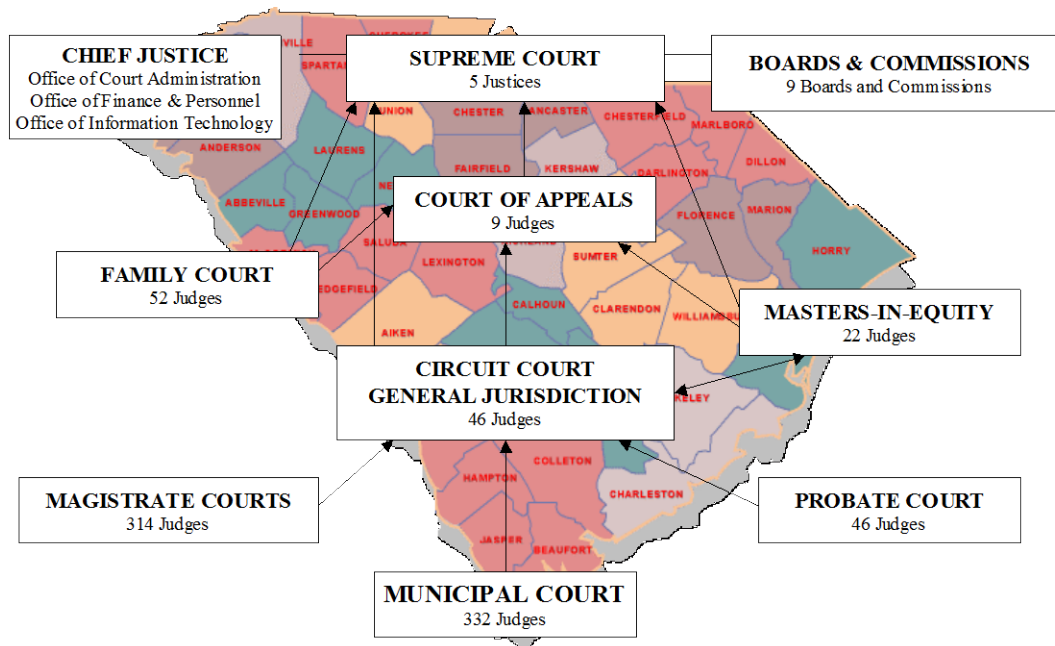
- Applicants
- Media
- General public

## **7. KEY SUPPLIERS**

The key suppliers of the Judicial Department are the customers (citizens of South Carolina, agencies, businesses, etc.) of the other two branches of government, as those branches respond to the changing needs of their customers. The Legislative Branch enacts new statutes providing greater or different rights and protections for citizens. The Executive Branch, through the solicitors, Attorney General and the citizens of the State, enforce the Legislative enactments. The Judicial Branch then provides a forum for the interpretation of these enactments.

## **8. ORGANIZATIONAL STRUCTURE**

**Figure 8-1: South Carolina Judicial System**



The Judicial Department manages the statewide, unified judicial system. The organizational structure of the South Carolina Judicial Department can be categorized in two areas: (1) adjudication and (2) administration.

### **8.1 Adjudication**

#### **Supreme Court**

The Supreme Court is the highest court in South Carolina. It has both appellate and original jurisdiction. In its appellate capacity, the Supreme Court has exclusive jurisdiction over any case:

- Including the sentence of death
- Setting public utility rates
- Challenging the state constitution, state law, county or municipal ordinance on state or federal grounds
- Challenging the authorization of general obligation debt (state bonds)
- Challenging elections and election procedures
- Limiting investigation by the state grand jury
- Relating to abortion by a minor

Additionally, cases filed in the Court of Appeals are sometimes transferred to the Supreme Court when the appeal involves novel issues of significant public interest. Also, the Supreme Court reviews decisions made by the other courts and issues writs to decide actions in its original jurisdiction. The Supreme Court provides litigants with a resolution of the matter from the highest court in the state and interprets and develops the law of this state. The Supreme Court's published decisions serve as binding precedent on all other courts in this state and, therefore, serve as a framework for how cases will be decided in the future, providing stability and predictability in the law. Finally, the Supreme Court may agree to answer questions of law submitted by federal courts or appellate courts of another state when South Carolina law may be determinative of the action pending in the other jurisdiction.

### **Court of Appeals**

The Court of Appeals is an intermediate appellate court that hears all appeals from the Circuit and Family Courts with the exception of the appeals that fall into one of the seven classes of exclusive jurisdiction listed under Supreme Court. The Court of Appeals, sitting in panels of three judges, reviews decisions of the lower courts by applying the law to the facts presented. The published decisions of the Court of Appeals, unless overruled by the Supreme Court, serve as precedent for the trial courts.

### **Circuit Courts**

Circuit courts are South Carolina's trial courts of general jurisdiction. The courts of common pleas provide a forum for the resolution of civil disputes involving sums greater than \$7,500. Common pleas courts are available to issue injunctions to provide immediate relief and time for a thorough assessment of a particular situation, such as "to immediately, yet perhaps temporarily stop the demolition of a historic landmark." Also, through the Chief Justice's appointment of one judge to hear the entirety of a complex civil action, the circuit courts are able to resolve cases involving numerous parties and varied, complex causes of action. In criminal cases, the courts of general sessions protect the rights of the accused to a fair and impartial trial, protect the rights of the victim, and balance public safety and the goals of punishing and rehabilitating a convicted offender. In capital cases, again through the Chief Justice's appointment of one judge to preside over the case, the courts of general sessions are able to provide continuity in decision making in these often highly emotional and difficult cases.

### **Family Courts**

The family courts provide a forum for the dissolution of a marriage and the division of marital assets. These courts hear and decide actions involving the most intimate details of citizens' lives and do so in a manner that strives to preserve the litigants' privacy while protecting the public's right of

access to the courts. Family courts also hear and decide abuse and neglect proceedings as well as child support matters, protecting the most vulnerable of South Carolina's citizens. Family courts also issue orders of protection from domestic abuse for abused family or household members. Family courts adjudicate juvenile delinquency matters, working with a multitude of executive agencies as these courts balance public safety with the rehabilitative goals of the juvenile justice system.

### **Masters-in-Equity**

The master-in-equity courts are an extension of the court of common pleas, the civil side of the circuit court. These courts resolve civil cases that do not require a jury trial and typically involve contract disputes over property or construction and real estate foreclosures.

### **Probate Courts**

The probate courts provide citizens with a forum to probate wills and settle disputes over the distribution of the assets of estates. Probate courts also preside over proceedings for involuntary commitments, insuring that the rights of citizens who are suffering from a disability requiring involuntary commitment are protected while also insuring that, if necessary, these citizens receive treatment. In addition, South Carolina marriage licenses are issued by the probate courts.

### **Summary Courts**

The summary courts comprise both Magistrate and Municipal courts, which resolve the majority of cases filed in South Carolina. Magistrates hear a wide variety of disputes between citizens, such as landlord tenant cases and civil cases involving less than \$7,500. Magistrates also issue orders for protection from domestic abuse, restraining orders, and warrants assisting in criminal investigations. The summary courts set bonds for all criminal cases and directly decide criminal cases with penalties not exceeding 30 days imprisonment and/or a fine of \$500. The process for setting bonds is standardized statewide so all citizens who are arrested and seek to be released on bond receive a timely hearing. Municipal courts have the same criminal jurisdiction as Magistrate courts; however, Municipal courts have no civil jurisdiction.

### **Jury Service**

Jury service in circuit, probate, magistrate, and municipal courts is mandated by Art. I, § 14, of the South Carolina Constitution, South Carolina Code Ann. § 62-1-306, and Rule 38, SCRPC, which provide for jury trials. The purpose of these provisions is to allow for parties to have their disputes decided by their peers.

## **8.2 Administration**

### **Supreme Court**

The Chief Justice, as the administrative head of the Judicial Branch, is responsible for the operation, both adjudicative and administrative, of the courts in the statewide, unified judicial system. Through orders and directives, she clarifies issues such as expungement procedures and limiting the appointment of counsel in post-conviction relief matters, which affect courts, customers and stakeholders around the state. The Chief Justice and the Supreme Court promulgate rules of practice and procedure for all South Carolina courts, judges, lawyers, and various commissions and boards of the Supreme Court. In addition to deciding cases, the



Supreme Court licenses all attorneys practicing in the state and disciplines lawyers and judges for misconduct.

### **Office of Bar Admissions**

The Office of Bar Admissions is responsible for processing applications of individuals seeking admission to practice law in South Carolina. Additionally, it processes requests to be certified as lead counsel in death penalty cases, requests for approval of trial experiences required before a lawyer may appear alone in the trial of a case, applications for out-of-state attorneys to appear in South Carolina courts or before administrative bodies *pro hac vice*, and requests for certificates of good standing for members of the South Carolina Bar. Finally, it assists the Board of Law Examiners in conducting the South Carolina Bar Examination and assists the Committee on Character and Fitness as it determines whether each applicant has the requisite character to be a member of the South Carolina Bar. The Board of Law Examiners and the Committee on Character and Fitness ensure that lawyers have the requisite legal knowledge, skills, and character to competently and ethically handle the legal affairs of the citizens of South Carolina.

### **Office of Disciplinary Counsel**

The Office of Disciplinary Counsel investigates and prosecutes complaints involving allegations of misconduct and incapacity on the part of lawyers licensed to practice law in South Carolina and of judges who are part of the state unified judicial system. Matters handled by the Office of Disciplinary Counsel are filed with and processed through either the Commission on Lawyer Conduct or the Commission on Judicial Conduct. Matters not directly decided by either of these commissions are decided by the Supreme Court. The purpose of the disciplinary system is to protect citizens from attorneys or judges who, because of flaws in their character or skills or because of mental or physical incapacity, could pose a danger to the public if they are allowed to continue practicing law or presiding over court proceedings.

### **Court Administration**

Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system. This office has a wide range of responsibilities and duties, which include recommending to the Chief Justice schedules of terms for circuit and family court, assigning judges to preside over these terms, and scheduling and supervising the court reporters who transcribe the proceedings. Court Administration provides assistance to individual courts in jury management, record keeping, and case processing procedures. It provides reports, documents, data analysis and assistance to the Legislative and Executive branches on court related matters. Court Administration is also responsible for the state criminal docket report (CDR) codes that are utilized throughout the state criminal justice process by the criminal justice agencies within South Carolina. The office conducts legal education programs for judicial personnel at all levels of court in the state, including coordinating the annual Judicial Conference. In addition, Court Administration staffs several advisory committees that were established to provide advice and recommendations on improving the administration of the judicial system.

### **Finance and Personnel**

The Office of Finance and Personnel is responsible for the Judicial Department's internal fiscal operations. In addition to budgetary management, Finance and Personnel is responsible for all personnel matters, payroll and purchasing for the Judicial Department.

**Office of Information Technology**

The Office of Information Technology (IT) continues to oversee and direct the implementation of the statewide Strategic Technology Plan to modernize the Judicial Branch. IT provides technology tools to support and enhance the daily court operations of the Judicial Department. Network infrastructures and Internet connectivity in the judicial facilities across the state, online Web services, and the deployment of the statewide court case management system are the primary focus areas of the Judicial Department IT. IT also provides technology support and training as well as hardware, office automation, information security, email, and electronic legal research software. IT continues to investigate advancements in technology such as imaging, electronic signatures, and electronic document certifications to determine their feasibility within everyday court operations.

**County Clerks of Court**

Clerks of Court are popularly elected in each county to four-year terms. By state statute, the clerk of court is the official record keeper for court records filed in each county. The clerk of court staff is the local liaison for the processing and handling of court files for judges, attorneys, and the public. They also respond to requests for records from federal, state, and local agencies. In addition to their other duties, clerks of court collect and disburse court-ordered child support payments, issue Rules to Show Cause in cases where court orders have not been followed, and file all court orders, including orders of protection from domestic abuse. Some clerks of court also serve as the county register of deeds. Registers of Deeds are responsible for recording all property transactions and maintaining these records.

## SECTION III

### ELEMENTS OF MALCOLM BALDRIGE AWARD CRITERIA

#### CATEGORY 1 – LEADERSHIP

- 1. How do senior leaders set, deploy and ensure two-way communications for: a) short and long term direction, b) performance expectations, c) organizational values, d) empowerment and innovation, e) organizational and employee learning, and f) ethical behavior?**

**a) Short and longer term direction.** The State Constitution establishes the Chief Justice as the administrative head of the unified judicial system. She is supported by the other members of the Supreme Court and her Executive Team and sets short- and long-term policies for the Judicial Branch. The Executive Team is composed of the Director of Court Administration, Clerk of the Supreme Court, Clerk of the Court of Appeals, Disciplinary Counsel, Director of Information Technology, and Director of the Office of Finance and Personnel. The Executive Team holds monthly meetings to discuss progress and obstacles to achieving Judicial Branch objectives. These meetings also include a periodic review of the Accountability Report goals. In this manner, the Executive Team has been able to remain focused on achieving the primary goals and objectives of the Judicial Department without diverting too much attention to the numerous everyday distractions that surface and vie for the limited time and resources of the organization. The Chief Justice meets with the Executive Team when necessary and calls meetings when critical issues need to be addressed.

The Chief Justice is involved in a hands-on capacity in many of the initiatives of the Judicial Department, which requires her to work with the individuals on the Executive Team and staff on a daily basis. The Judicial Department holds staff meetings, which are hosted by the Chief Justice throughout the year, for judicial personnel in the Supreme Court and Calhoun buildings. These staff meetings are informative, promote development of working relationships among personnel from the various divisions, and help foster teamwork among employees.

The Chief Justice and members of the Executive Team participate in meetings and conferences that are held across the state at various times throughout the year. These presentations and discussions enable the direction of the Judicial Department to be readily communicated in person to judges, court reporters, clerks of court, the South Carolina Bar Association, South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association and other participants in the unified judicial system including SLED, DPS, SCDC, DPPP, Solicitors, and Public Defenders.

Through her annual State of the Judiciary address to the General Assembly, the Chief Justice summarizes the status, progress, and initiatives (both current and visionary) of the Judicial Department. This speech outlines the direction that the Judicial Branch is taking. This presentation, held every year, is broadcast live and archived on the Judicial Department website.

**b) Performance expectations.** Performance expectations of the Judicial Department are now established through several different means. The Judiciary has guidelines and there are laws set forth by the federal government with regard to case types and timeframes, which impact the Judicial Department. State legislation and guidelines are established in accordance with these federal rules.

The increased emphasis on homeland security is putting further scrutiny on the performance of the Judicial Department.

The Judicial Department deploys and communicates performance expectations through a combination of reports and presentations. The caseloads of the Circuit and Family Courts are reported and aggregated by Court Administration on a monthly basis. Training is conducted for all Clerks of Court and Chief Administrative Judges on the review and analysis of these reports, which now are only available electronically. Having the Chief Administrative Judges, Clerks of Court, and Court Administration reviewing these reports on a monthly basis continues to improve the accuracy of the reports and, in many cases, has reduced the backlog because of the heightened awareness of the needs of particular courts.

For the past several years, a colored map of the counties in the state has been used to visually illustrate counties with reliable, high-speed network and Internet connectivity and those without it. This map is called the “Go for the Gold” map. Leaders in many of the counties without the connectivity have begun to get the local communities involved to acquire the connectivity so that their county can begin to be discussed at the statewide meetings as a “can do” county instead of one still hoping. These types of tools have begun to create peer pressure because peers are viewing, assisting each other, and helping to increase productivity just by increasing the awareness of the situations.

**c) Organizational values.** The values of the Judicial Branch, as described in the Executive Summary, have evolved through time and tradition. Values are communicated and taught by the Chief Justice and members of her Executive Team primarily through the performance of daily work activities, which range from face-to-face contact with staff, customers, and stakeholders to deciding cases, disciplining lawyers and judges to protect the public, and participating in conferences and meetings of Judicial Branch entities.

**d) Empowerment and innovation.** The empowerment and innovation within the Judicial Branch must occur within the constraints established by the law since the role of the judiciary is to interpret the law. In accordance with these constraints, individual creativity is encouraged through the performance of individual jobs and working with other team members. Senior leaders within the Judicial Department are working managers integral to case and project teams.

**e) Organizational and employee learning.** The Judicial Department provides training for newly elected circuit and family court judges, probate judges and county clerks of court. Training sessions are also provided for chief administrative judges of the circuit and family courts. A two-week orientation school is provided for all newly appointed summary court judges. A mandatory annual Judicial Conference is held for all appellate, circuit and family court judges, masters-in-equity, law clerks and staff attorneys. Magistrates are required to attend annual meetings for continuing education purposes. In addition, the Office of Disciplinary Counsel provides an orientation program for all attorneys employed or appointed to work on disciplinary matters. All employees participate in technology training, which focuses on applications used by the Judicial Branch both at the state and county level.

Department attorneys also must comply with annual continuing legal education (CLE) requirements. The Judicial Department continues to conduct one-hour CLE programs in Columbia for the Judicial

Department lawyers. These CLEs focus not only on topics that enhance performance of the lawyers in the department but also on topics that broaden the lawyer's general knowledge of the law. Non-attorney staff members in Court Administration also participate in the one-hour CLEs.

Grant and scholarship opportunities are sought to provide continuing judicial education on substantive topics for family, circuit, probate and summary court judges. Within the constraints of the budget, circuit and family court judges attend the National Judicial College in Reno, Nevada, which provides intensive training. Appellate judges take courses at the Institute of Judicial Administration at NYU and attend educational and professional seminars and conferences. Senior staff attorneys attend national conferences, as do the clerks of the appellate courts. Furthermore, the Judicial Department has sent a team to the last five National Center for State Courts Court Technology Conferences, both as participants and speakers.

As finances permit, staff personnel attend professional education courses. In order to remain current in some of the most integral technologies used at the Judicial Department, IT staff has participated in national training workshops during the course of the year. In addition, the Judicial Department allows employees to arrange their work schedules to take courses that will enhance relevant professional skills.

**f) Ethical behavior.** All new employees are provided with training on ethical behavior, and ethics training is always included in seminars attended by judges and lawyers. In addition, employees receive the *Rules on Political Activity for Judicial Department Employees and Officers*. The *Code of Conduct for Staff Attorneys and Law Clerks* is provided to all staff attorneys and law clerks. The *Code of Judicial Conduct* and the *Rules of Professional Conduct*, which were adopted by the Supreme Court after soliciting and receiving comments from the legal community, the general public, and staff, are provided to judges and lawyers, respectively. Senior leaders monitor ethical behavior of their staff, and the Office of Disciplinary Counsel oversees the ethical behavior of all lawyers and judges within the Judicial Branch under the guidelines promulgated by the Supreme Court in the *Rules for Lawyer and Judicial Disciplinary Enforcement*.

## **2. How do senior leaders establish and promote a focus on customers and other stakeholders?**

The Judicial Department focuses on its customers and stakeholders through participation in meetings and conferences held by all entities associated with the Judicial Branch.

- The Chief Justice and her Executive Team participate in a full range of meetings and conferences from the annual, statewide judicial conference to county council meetings.
- Staff members attend Legislative hearings to learn the concerns of legislators and the public that may affect the Judicial Branch.
- Input from members of the South Carolina Bar is obtained from regular meetings with the Bar's leadership and attendance at the South Carolina Bar's Annual Meeting.

From the clerk of court counters to judges' chambers to the website, everyone within the Judicial Department interacts with customers and stakeholders on a daily basis.

## **3. How do senior leaders maintain fiscal, legal, and regulatory accountability?**

The Office of Finance and Personnel, through requests from senior leaders and directives from the Chief Justice, is responsible for ensuring that the Judicial Department is utilizing its resources in a

fiscally responsible way. The Judicial Department, as the Branch of government responsible for ensuring that legal issues and regulatory requirements are followed by the other branches of government, is constantly aware of its responsibility to ensure that all legal requirements and regulations that impact the Judicial Department are enforced. As part of the monthly Executive Team meetings, the Directors review the status of the Judicial Department with regards to fiscal, legal, and regulatory accountability. When changes are made by the legislature or by agencies that may affect the Judicial Department, these changes are immediately communicated not only to senior leaders, but to all participants in the Judicial Branch and may result in changes to Court Rules and procedures.

**4. What key performance measures are regularly reviewed by your senior leaders?**

The mission of the Judicial Branch is the fair and timely resolution of disputes. Therefore, case processing is the critical performance measure that is regularly reviewed as follows:

- The Supreme Court meets bi-monthly to review outstanding cases.
- The Court of Appeals meets monthly to review outstanding cases.
- Court Administration reviews the caseloads of each circuit, family and probate court on a monthly basis and conducts periodic audits of local case records.
- Court Administration reviews the caseloads of each magistrate and municipal court on an annual basis.
- Court Administration monitors court reporter transcript productivity on a monthly basis.
- The Chief Justice reviews a report on outstanding orders of each circuit and family court judge on a monthly basis.

Technology support and infrastructure performance required to keep the Judicial Department operating both efficiently and effectively are reviewed through system logs and division and team staff meetings.

**5. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness and the effectiveness of management throughout the organization?**

In as much as the senior leaders within the Judicial Department are working managers integral to case and project teams, findings and feedback are constantly received by the Executive Team from staff, customers, and stakeholders. BearingPoint, the systems integrator for the Judicial Department, requires its leadership to participate in leadership training directed towards improving the management of organizations and communicates key components of this training to the Executive Team for use within the Judicial Branch.

**6. How does the organization address the current and potential impact on the public of its products, programs, services, facilities and operations, including associated risks?**

As discussed in **Section III Category 6 –Process Management**, the Judicial Department identifies those individuals and groups affected by the Judicial Branch's operations and solicits their advice when addressing changes to the Judicial Branch's operations. The Clerks of Court Advisory Board, Judges Associations, and Judges Advisory Committees are examples of judicial committees established to provide guidance, generate new ideas, and assess impact to judicial personnel and the public. Input, in the form of requests for comments and public hearings, is also actively sought prior to changes being made in court rules and operations. Proposed changes to court rules are posted on

the “What’s New” page of the Judicial Department’s website. Also, the South Carolina Bar currently provides an “E-Blast,” free of charge to subscribers, which sends out a weekly electronic message detailing proposed changes to court rules and operations in the Judicial Branch, assisting the Judicial Department in disseminating this information.

**7. How does senior leadership set and communicate key organizational priorities for improvement?**

The Chief Justice and her Executive Team are constantly reviewing and monitoring the current projects, initiatives, workloads, and resource assignments of the judicial organization as well as requests from customers and stakeholders. Through staff meetings, project team meetings, Executive Team meetings, and board and committee meetings, these items are evaluated against the vision and mission of the Judicial Department. These assessments are then used to adjust organizational priorities as necessary. Through the collaborative teams and numerous speaking engagements of the Chief Justice and Executive Team, Judicial Department priorities are constantly being communicated.

**8. How does senior leadership actively support and strengthen the community? How are areas of emphasis identified?**

The *Code of Judicial Conduct* restricts judges’ participation in extra-judicial activities which may cast reasonable doubt on the judge’s capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial activities. However, these restrictions have not limited judges’ participation in community activities. Many judges are active in church and religious organizations, serving as members, officers, sponsors and youth sports coaches. Several judges and others in senior leadership actively serve our country through participation in the United States military and Reserves; many have been on active duty since the terrorist attacks of September 11, 2001. Historic preservation is high on the community service list of several of our judges who have introduced and, in several instances, sponsored initiatives to restore historic buildings and sites. Education is also very important to judges. Many are members of alumni associations, education committees, and mentor programs. In addition, they participate in mock trials, seminars, lectures, and small productions at local community theaters. In recognition of their efforts, judges have been honored as Citizen of the Year in their communities, and several have received the state’s highest civilian honor – The Order of the Palmetto.

Likewise, the *Code of Conduct for Staff Attorneys and Law Clerks* restricts the activities of Judicial Department attorneys. Within these confines, the senior leadership has actively supported and strengthened the community by supporting Harvest Hope and United Way, and staff members have participated in the Families Helping Families Christmas project. Senior leaders are also sensitive to the needs of parents to attend children’s school-related activities and allow flexibility in scheduling lunch and breaks to permit attendance. In addition, staff members who are lawyers are encouraged to strengthen the legal community by lecturing at continuing legal education seminars and teaching legal writing and research courses at the University of South Carolina School of Law.

Through the technology initiatives of the Judicial Department, county networks are being established in rural areas that never before utilized the Internet nor had access to it. Furthermore, a program has been successfully established to allow junior and senior high school students to actively participate in selected Supreme Court cases. Use of the Internet, combined with attendance at oral arguments in

the Supreme Court, is strengthening the awareness and knowledge of the local community of court operations.

## **CATEGORY 2 – STRATEGIC PLANNING**

The Judicial Department conducted a detailed, in-depth strategic planning project focused upon the technology infrastructure of the South Carolina Courts from June to December 2000. This strategic technology plan and the primary technology initiatives identified in this plan began serving as the foundational strategy for the Department in January 2001 and continues to do so today. This plan constitutes a “living” document providing direction while constantly being adjusted to meet changing needs and evolving requirements. The execution of these technology initiatives and their results, combined with the changes in state law, are currently driving the needs, expectations, and changes in all divisions of the Judicial Branch, not only in technology.

### **1. What is your Strategic Planning process, including KEY participants, and how does it account for:**

- **Customer needs and expectations**
- **Financial, regulatory, societal and other potential risks**
- **Human resource capabilities and needs**
- **Operational capabilities and needs**
- **Supplies/contractor/partner capabilities and needs**

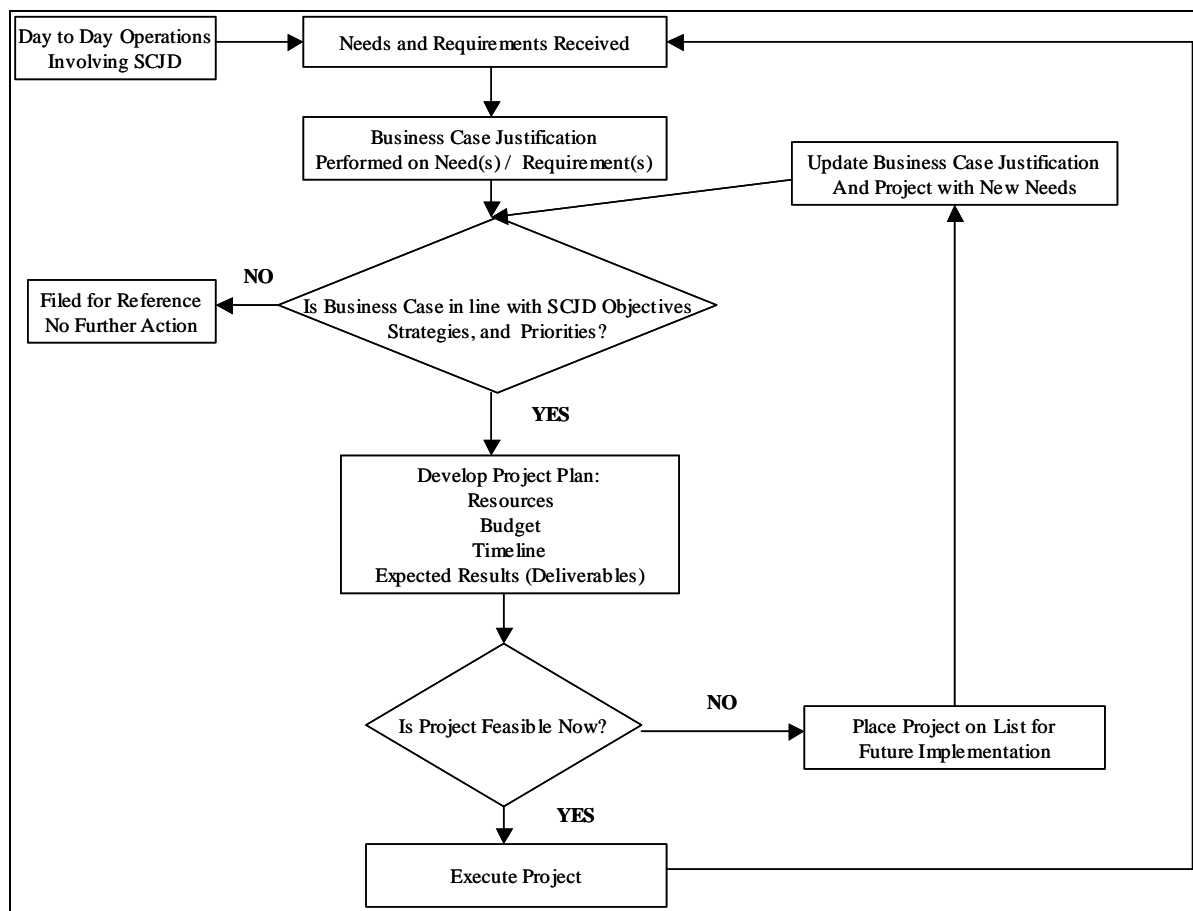
The principles, concepts and techniques employed in the technology initiatives flow over into other functions of the Judicial Department, not least because all divisions and personnel within the Judicial Department have been impacted by and are incorporating the benefits of the technology initiatives. More significantly, however, Judicial Department strategic planning for technology has resulted in the development of a cluster of organizational tools applicable to strategic planning in other areas. Divisions within the Judicial Department have recognized the benefits gained by using the strategic planning process as illustrated in Figure 2.1-1 to respond flexibly to customer needs and expectations and to improve traditional processes. This planning is carried out in both standing and ad hoc groups and may also include judges, law clerks, and staff attorneys as well as other entities within the Judicial Branch.

Anyone involved with the Judicial Branch can submit needs, requirements and a business-case justification. The Executive Team determines whether a project is implemented.

Work with suppliers/contractors/partners is planned, procured, and implemented under the guidance and resources of the Procurement Office within the Office of the Chief Information Officer under the Budget and Control Board.

### **Figure 2.1-1: Strategic Planning Process**





The Judicial Department performs strategic planning throughout the year. It is viewed as an ongoing process, not an exercise performed just once a year. The *South Carolina Code of Laws*, published opinions of the Supreme Court and the Court of Appeals, and the Department's strategic technology plan serve as the guiding documents for strategic planning decisions.

## 2. What are your key strategic objectives? (Address in Strategic Planning Chart)

The Judicial Department strives towards fulfilling the following strategic objectives:

- Reliable and fair court proceedings in accordance with due process
- Modernization of the South Carolina courts through the incorporation of technology
- Collaboration with appropriate federal, state and local entities
- Leadership in the criminal justice arena

The Strategic Planning Chart is included as Figure 2.4-1.

## 3. How do you develop and track action plans that address your key strategic objectives?

Action plans are developed and tracked through the review of three primary factors: results/deliverables, timeframes, and resources. For example,

- Justices of the Supreme Court meet on a bi-monthly basis to review outstanding cases awaiting decision. The Clerk of the Supreme Court, along with the Chief Justice, reviews

cases awaiting oral argument monthly to determine how many and which cases will be scheduled for oral argument in the next month and adjusts the Court's schedule as necessary.

- The Chief Staff Attorney's office at the Supreme Court reviews incoming matters on a daily basis to determine which may need immediate action and reviews cases and caseloads on a weekly and bi-weekly basis in accordance with the Supreme Court's court schedule. Matters needing immediate attention are assigned to senior staff attorneys to be processed accordingly. Incoming disciplinary matters are also reviewed on a daily basis by the Deputy Clerk of Court in the Bar Admissions office to determine whether the matter needs the immediate attention of the Chief Justice.
- The Clerk of the Court of Appeals tracks the length of time a mature case needs to come before a panel for decision and reports to the Chief Judge, who determines the steps required for any adjustment in scheduling cases for oral argument or submission without argument.
- Technology projects are tracked through project plans that identify tasks, timelines, deliverables, and resources. These project plans are reviewed with the project team on a weekly or bi-weekly basis, depending upon the priority, scope and magnitude of the project. Information Technology (IT) Managers submit weekly status reports to the IT Director on efforts in specific areas, including call center, website, networking, applications development, systems integration, and statewide court case management system.
- The Commissions on Judicial and Lawyer Conduct examine quarterly statistics permitting adjustments in resource allocation. Additionally, the Deputy Disciplinary Counsel reviews incoming complaints on a daily basis to determine those needing priority action.
- The monthly caseload reports from each of the counties are used to develop and track action plans to meet the Judicial Department's goal to process trial court cases efficiently and fairly. The Office of Court Administration reviews the monthly caseload reports and requests for new/additional terms of court from each county. These reviews enable resources to be allocated/reallocated by adjusting trial court schedules based upon current caseloads and case complexities in conjunction with the availability of Judicial Department resources, including judges, court facilities, and court reporters as well as monetary resources available for travel expenses.
- The Chief Justice reviews a monthly outstanding order report on each circuit and family court to ensure orders are issued in a timely manner.

#### **4. What are your key action plans/initiatives? (Address in Strategic Planning Chart)**

The Strategic Planning Chart is included as Figure 2.4-1.

**Figure 2.4-1: SCJD Strategic Planning Chart**

Supreme Court	<ul style="list-style-type: none"> <li>+ Modernization of the SC Courts through the incorporation of technology</li> <li>+ Collaboration with appropriate federal, state, and local entities</li> <li>+ Collaboration with SC Bar and Department of Education</li> <li>+ Leadership in the criminal justice arena</li> <li>+ Establish minimum courtroom security standards for judicial facilities across the state</li> </ul>	<ul style="list-style-type: none"> <li>* Improve the triage system within ODC</li> <li>* Expand the "Class Action" judicial education program for junior and senior high-school students to make it available over the Internet</li> <li>* Enhance the Supreme Court Institute for high school teachers</li> <li>* Revise record retention schedules and get approval from State Archives to only have digital images as the Court's record</li> <li>* Complete survey and draft standards by the Courtroom Security Task Force (collaboration of SCJD and SLED)</li> </ul>	<ul style="list-style-type: none"> <li>* Caseload results</li> <li>* # of students participating in-person and via the web</li> <li>* # of teachers participating in the program</li> <li>* Complete records survey and update retention schedules</li> <li>* Survey results from each judicial facility and identify security standards</li> </ul>
Court of Appeals	<ul style="list-style-type: none"> <li>+ Reliable and fair court proceedings in accordance with due process</li> <li>+ Leadership in the criminal justice arena</li> </ul>	<ul style="list-style-type: none"> <li>* Resolve cases in accordance with the benchmarks established for appellate cases</li> <li>* Revise record retention schedules and get approval from State Archives to only have digital images as the Court's record</li> </ul>	<ul style="list-style-type: none"> <li>* Caseload results</li> <li>* Complete records survey and update retention schedules</li> </ul>
Circuit Court	<ul style="list-style-type: none"> <li>+ Reliable and fair court proceedings in accordance with due process</li> <li>+ Leadership in the criminal justice arena</li> </ul>	<ul style="list-style-type: none"> <li>* Resolve cases in accordance with the benchmarks established for trial court cases</li> <li>* Chief Justice Blue Ribbon Task Force</li> </ul>	<ul style="list-style-type: none"> <li>* Caseload results</li> <li>* Internal publication</li> </ul>
Family Court	<ul style="list-style-type: none"> <li>+ Reliable and fair court proceedings in accordance with due process</li> <li>+ Leadership in the criminal justice arena</li> </ul>	<ul style="list-style-type: none"> <li>* Resolve cases in accordance with the benchmarks established for trial court cases</li> <li>* Chief Justice Blue Ribbon Task Force</li> </ul>	<ul style="list-style-type: none"> <li>* Caseload results</li> <li>* Internal publication</li> </ul>
Information Technology	<ul style="list-style-type: none"> <li>+ Modernization of the SC Courts through the incorporation of technology</li> <li>+ Collaboration with appropriate federal, state, and local entities</li> <li>+ Leadership in the criminal justice arena</li> </ul>	<ul style="list-style-type: none"> <li>* Establish reliable, high-speed Internet connectivity in Magistrate facilities</li> <li>* Deploy statewide court CMS</li> <li>* Develop online bar admissions application and tracking system</li> <li>* Increase services provided by SCJD Web site</li> <li>* Develop a direct, near real-time, electronic interface with South Carolina Law Enforcement Division (SLED)</li> </ul>	<ul style="list-style-type: none"> <li>* # of judicial personnel still needing connectivity</li> <li>* % of state caseload managed and population covered by CMS</li> <li>* % of applications received electronically</li> <li>* # of hits to Web site</li> <li>* # of transactions exchanged electronically between agencies</li> </ul>
Court Administration	<ul style="list-style-type: none"> <li>+ Collaboration with appropriate federal, state, and local entities</li> <li>+ Leadership in the criminal justice arena</li> </ul>	<ul style="list-style-type: none"> <li>* Update Code of Conduct for all employees of the Judicial Department</li> <li>* Develop a Code of Conduct for County Clerks of Court</li> <li>* Determine standards for court interpreters</li> </ul>	<ul style="list-style-type: none"> <li>* # of employees trained on new Code of Conduct</li> <li>* # of Clerks of Court trained on new Code of Conduct</li> <li>* Establish certification program for court interpreters</li> </ul>

\* Key Cross-References are a link to the Category 7 - Business Results.  
These References provide a Chart number that is included in the seventh section of this document.

## 5. How do you communicate and deploy your strategic objectives, action plans and performance measures?

Many diverse entities, ranging from the public, attorneys and other state agencies to Judicial Department employees and other participants in the Judicial Branch, need to stay up to date on the strategic objectives, action plans and performance measures of the Judicial Department. To accommodate these various entities, a wide variety of communications channels are used to disseminate this important information. The communications mechanisms currently being used by the Judicial Department include the following:

- Judicial Department website postings – [www.sccourts.org](http://www.sccourts.org)
- South Carolina Advance Sheets
- Speeches and presentations at conferences and meetings
- E-mail
- Hardcopy letters through FAX and US Mail
- Press releases
- Monthly report distribution through the Judicial Department Intranet and on CD-ROMs

- Task force and project team meetings
- Surveys
- Evaluations
- Training

**6. If the agency's strategic plan is available to the public through the agency's Internet homepage, please provide an address for that plan on the website.**

The website address for the Judicial Department is [www.sccourts.org](http://www.sccourts.org). The strategic technology plan is available at [www.sccourts.org/judauto/stratplan.cfm](http://www.sccourts.org/judauto/stratplan.cfm).

**CATEGORY 3 – CUSTOMER FOCUS**

**1. How do you determine who your customers are and what their key requirements are?**

Key customers and stakeholders of the Judicial Department comprise those who use its services, experience the effects of its actions, and respond to its decisions. These key customers are ranked from the most particular to the most general:

- Litigants and counsel. Individuals and entities that come before the tribunals of this state, either *pro se* or through counsel, form the most obvious, immediate and intensely engaged group of stakeholders. For this group, the process of justice and its outcome have an undiluted, highly focused impact. This group makes contact with the court through formal filings. The rules of procedure for the various levels of court determine the requirements of this group, and rules are amended based on requests from Judicial Department staff, litigants, attorneys representing litigants, and other participants in the Judicial Branch.
- Grievants. This group includes those who contact the Office of Disciplinary Counsel to lodge a complaint concerning a judge or a lawyer. This group makes contact by telephone or in writing. By reviewing and considering all contacts, requirements are regularly reassessed. Again, requirements are set and amended by rules of procedure.
- Non-litigants participating in court proceedings. This group includes witnesses, jurors, and those who participate indirectly in court proceedings as support personnel or advocates. The court summons jurors, and witnesses may appear voluntarily, but they may also be required to appear by being subpoenaed by the court or a litigant. The General Assembly sets the requirements for non-litigants' participation in court proceedings, and the Judicial Department offers assistance to the General Assembly in assessing these participants' concerns and possible solutions.
- Judges, clerks and staff at the locally-funded level. This group includes masters-in-equity, probate judges, magistrates, municipal court judges, clerks of court, and staffs of the counties and municipalities. County and municipal court personnel actively participate in the Judicial Department task forces, joint project teams, and day-to-day administration activities. Requirements are initially set through procedure manuals, benchbooks, and rules of procedure. Refinements, enhancements, and changes are made through these customers' and stakeholders' participation with the Judicial Department.

- e. Members of the South Carolina Bar. South Carolina requires all attorneys admitted to practice in South Carolina be members of the Bar. This group expresses its requirements by letter, telephone or personal visit. The Bar leadership meets regularly with the Supreme Court to express the concerns and needs of its members. The requirements of the Bar to have an available forum for dispute resolution and to have rules of procedure which are uniform throughout the State are expressed in its Constitution and By-laws and in proposed rules of procedure for trial and appellate courts, which are recommended by vote of the Bar membership, rejected or adopted by the Supreme Court, usually after a period for public comment, and where necessary, submitted to the General Assembly for consideration.
- f. Applicants. This group includes applicants to be admitted to practice law in South Carolina, applicants to be readmitted to practice law, applicants to be lead counsel in capital cases, out-of-state attorneys who wish to appear as counsel in South Carolina courts, and applicants seeking approval of required trial experiences under Rule 403. This group makes requirements known by letter, telephone call, or personal visit. This group generally requires assistance in completing the application process. Through these contacts, the Judicial Department makes amendments to applicable rules and has made resources available on the Judicial Department website.
- g. Media. The media includes print, television, radio, and groups with newsletters and websites. The Judicial Department issues press releases concerning matters of particular public interest and contacts media who have asked to be contacted when a particular case is decided or when an Administrative Order of particular significance is issued. The Judicial Department website includes current events-type information on the “What’s New” Web page. The website also provides the media and public with a summary of the issues included in cases to be argued before the Supreme Court and the Court of Appeals. Once a case has been decided in these courts, a synopsis of the opinion is also made available on the website. All published and unpublished opinions of the Supreme Court and the Court of Appeals are now posted on the website. Published opinions are printed in paper format and mailed to subscribers of the South Carolina Advance Sheets.
- h. General public. This group includes everyone who has an interest in the Judicial Branch for information or access to public documents. The status of the Judicial Department as one of the three co-equal branches of government in South Carolina establishes the general public as a stakeholder. The Judicial Department reassesses the general public’s requirements through attending Legislative hearings and meetings with other participants in the Judicial Branch. Changes to rules of procedure are then proposed and after input is received, they are either adopted or rejected. Questions, including requests for information, are received and addressed by Court Administration on an individual basis as they are received.

**2. How do you keep your listening and learning methods current with changing customer/business needs?**

The Judicial Department focuses on its customers through participation in meetings and conferences held by all entities associated with the Judicial Branch.

- The Chief Justice and her Executive Team participate in a full range of meetings and conferences from the annual, statewide judicial conference to county council meetings.
- Staff members attend Legislative hearings to learn the concerns of legislators and the public that may affect the Judicial Branch and to provide input when requested.
- Input from members of the South Carolina Bar is obtained from regular meetings with the Bar's leadership and attendance at the South Carolina Bar's Annual Meeting.
- The Judicial Department receives information from numerous groups and individuals such as the South Carolina Bar, the Judicial Council, and the Ad Hoc Committee on the Rules of Civil Procedure regarding changes that might be made to improve the Judicial Branch.

**3. How do you use information from customers/stakeholders to keep services or programs relevant and provide for continuous improvement?**

During staff meetings and Executive Team meetings, information from customers and stakeholders is evaluated, and experiences are compared to determine what improvements are needed and whether they can be made with current resources. Divisions regularly review procedures in response to customer and stakeholder comments and make revisions when customer input indicates the need for change. The strategic planning process described in **Section III Category 2- Strategic Planning** is used to assess information received from customers and stakeholders to improve services and programs throughout the Judicial Branch. Where major changes in process or programs appear necessary, a business-case justification is developed and the Executive Team, with the concurrence of the Chief Justice, will then propose changes that are implemented after input from Judicial Branch customers and stakeholders.

**4. How do you measure customer/stakeholder satisfaction?**

Processing cases in a timely and fair manner is currently the primary indicator of customer and stakeholder satisfaction. However, direct contact from customers and stakeholders, media reports, and information acquired through staff attendance at Legislative hearings on issues involving the Judicial Branch are also considered in determining customer and stakeholder satisfaction.

The Judicial Branch strives to resolve disputes in a fair and efficient manner. Because of the nature of the business of the courts, one side of the dispute may be dissatisfied with the result. Because of this fact, the Judicial Department recognizes that its customers and stakeholders may have different opinions as to what constitutes disposing of cases without "undue delay" and in a "fair manner." Litigants may wish cases to be processed faster than lawyers who file requests for continuances and extensions. The rules of procedure for the trial courts, the orders appointing Chief Judges for Administrative Purposes in the trial courts, and policies adopted by the appellate courts address the divergent opinions as to how a case is resolved efficiently and accordingly to law.

**5. How do you build positive relationships with customers and stakeholders?**

Positive relationships with the Judicial Department rest upon the trust and faith that customers and stakeholders have in the Judicial Department carrying out its mission. This faith and trust is earned by having competent, ethical, and dependable personnel working and communicating directly with customers and stakeholders. Judicial Department employees treat all customers and stakeholders

equally, from individuals handling their own cases to highly respected members of the Bar. All phone calls are returned promptly, correspondence is routed to the appropriate division within the department, and customers and stakeholders are given assistance consistent with the *Rules of Professional Conduct* and the *Rules of Judicial Conduct*.

#### **CATEGORY 4 – MEASUREMENT, ANALYSIS, AND KNOWLEDGE MANAGEMENT**

##### **1. How do you decide which operations, processes and systems to measure for tracking financial and operational performance?**

Staff constantly monitors the interests of the Judicial Department's two key suppliers, the Legislative Branch and the Executive Branch. Legislative and Executive Branch activities are monitored for financial impact because they establish financial and operational priorities for the Judicial Department.

Inquiries about operations, processes, and systems from customers and stakeholders spur measurement in particular areas. For example, the media may inquire about the number of a particular type of case disposed over a specific period of time, filed/disposed cases in specific geographical locations, or conviction rates for specific demographic subsets of the population. The Judicial Department staff also works closely with numerous committees of the Legislature, when requested, regarding the impact of potential legislation on the Judicial Department's resources, customers, and stakeholders. Additional inquiries from customers and stakeholders alert the Judicial Department that there is interest in a particular measurement and prompts the Judicial Department to track activity in various areas within the Judicial Department's responsibilities.

##### **2. What are your key measures?**

The universal standard "unit of work" for the courts is a case. Caseload statistics are tracked by judicial circuit, county, and court type. Results are reported in **Section III Category 7 – Business Results**.

##### **3. How do you ensure data integrity, timeliness, security, and availability for decision making?**

Historically, the Judicial Department has conducted manual audits of individual court records to ensure the accuracy, timeliness and integrity of caseload data reported to Court Administration from the state and local courts. The Judicial Department is currently in the process of transitioning many of its paper-based reporting mechanisms to automated systems that make the reporting easier, but more importantly, more accurate and timely. Automated reports and automated comparisons are now done to perform data quality and completeness checks in family court and circuit court. These reports are generated and distributed monthly. Follow-up phone calls are conducted with counties on an as-needed basis when these reviews indicate possible errors or problems. The appellate caseload reports are reported monthly; however, the ability to generate these reports at any time on an as-needed basis is possible with the Appellate Case Management System. The appellate clerks of court and staff attorneys check these reports for accuracy. The Judicial Department's IT Division has worked to ensure a secure environment exists for receiving, generating and distributing data. The security of the system is monitored by IT and if security problems are found, they are resolved as a priority matter.

**4. How do you use data/information analysis to provide effective support for decision making?**

Executive Team members and managers use Judicial Department court rosters and caseload reports to determine resource allocations and tasks. Ideas received from judges, clerks, and staff to improve operations and access to information provide the catalyst for deciding why and how different judicial operations become automated. This automation provides more timely, complete, and accurate information used by judges and judicial management for effective decision making. Additionally, as a member of the National Center for State Courts (NCSC), the Judicial Department extensively utilizes NCSC data to determine trends, projections, and comparisons with other states to set priorities for analyzing the best use of Judicial Department resources. Results are reported in **Section III Category 7 – Business Results**.

**5. How do you select and use comparative data and information?**

The Judicial Department selects comparative data by reference to its records from previous years. The caseload and output figures of previous years are used as guideposts in estimating requirements. For example, historical comparative data is useful in estimating the number of terms of courts needed to dispose of similar pending caseloads.

Together, the courts and law enforcement identify criminal trends through court and law enforcement (SLED and DPS) statistics. These trends provide focus for the criminal justice agencies and the Judicial Branch to meet the current needs of the public. For example, since the 1990s, criminal domestic violence, gang activities, and highway safety have emerged as primary focus areas requiring attention and resources to be increased and reallocated.

**6. How do you manage organizational knowledge to accomplish the collection and transfer and maintenance of accumulated employee knowledge, and identification and sharing of best practices?**

Traditionally, the Judicial Department has utilized cross training of employees to ensure employee knowledge of Judicial Department processes is preserved as much as possible. Other measures are also being employed. The Judicial Department is currently working to establish an easily accessible database of orders and directives issued by the Supreme Court and the Chief Justice in her administrative capacity in order to further improve the transfer of organizational knowledge. The Executive Team, working together with the Chief Justice and BearingPoint, the Judicial Department's system integrator, identifies best practices and the most efficient way to share these practices within the various offices and divisions of the Judicial Department and with the Judicial Branch as a whole.

**CATEGORY 5 – HUMAN RESOURCES**

**1. How do you and your managers/supervisors encourage and motivate employees (formally and/or informally) to develop and utilize their full potential?**

The Judicial Department recognizes the need to develop and maintain a diversified work force of professional employees. Employees are provided with the means to obtain professional development, career progression and personal growth as described in **Section III Category 1.1.e**. Employees are encouraged to work both independently on projects as well as part of team efforts, allowing each individual to determine the means necessary to complete the work assigned.



Through the leadership of the Chief Justice, the Department was able to avoid employee furloughs and layoffs. In addition, employee recognition awards were presented during a ceremony recognizing years of government service. The Judicial Department maintains its conviction that outstanding job performance should be recognized through in-position increases and by using the flexibility provided us by the Legislature to redefine job positions and responsibilities. This ability to react to employee and Department needs is demonstrated through the low employee turnover statistics reported in **Section III Category 7 – Business Results**.

**2. How do you identify and address key developmental and training needs, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation and safety training?**

Through participation at national conferences, members of the Executive Team interact with court officials nationwide. These meetings provide the Judicial Department with lessons learned, best practices and other valuable information as to how other courts address issues, including personnel development and training needs, within their own jurisdictions.

The staff and executives in each of the eight levels of court within the Judicial Branch meet regularly. There are separate organizations for most of the groups involved at each level of the court system. For example, there is a court reporters organization, a clerks of court organization as well as professional associations representing counties, municipalities and various interest groups that are active participants in the court system. Judicial Department staff and management solicit input from these groups and meet with them on a regular basis. These meetings provide a forum for education and the exchange of ideas and information pertinent to the group. The Chief Justice also hosts an annual, statewide judicial conference for the appellate justices and judges, trial court judges, law clerks and affiliated staff personnel for skills updating and education. In addition, the Judicial Department offers a program of one-hour CLEs for department lawyers. These CLEs focus not only on topics that enhance performance of the lawyers in the department but also on topics that broaden the lawyer's general knowledge of the law. Non-attorney staff members also participate in the one-hour CLE programs. Furthermore, the Office of Finance and Personnel staff receives annual training in areas such as accounting, budgeting, procurement, benefits administration and human resources. To assure relevance and cost efficiency, most of this training is through state organizations or state-sponsored organizations.

The Judicial Department continues to participate in the South Carolina Executive Institute.

With the Judicial Department's current emphasis on improvement through automation, much training is made necessary through these technology innovations. Formal technology training is provided both in Columbia and regional locations across the state for new hires and existing employees. This training begins when new employees receive their computer equipment and continues throughout the year with training in desktop applications such as word processing, spreadsheets, case management, legal research, and other specialized Judicial Department applications. Ongoing enhancements include online notification to employees on insurance updates, equal employment requirements, and opportunities to effect changes in their working status. The Information Technology staff itself receives specific technology training at national workshops.

Safety training for Judicial Department employees in the Supreme Court and John C. Calhoun buildings is discussed in Section III, Category 5.5.

**3. How does your employee performance management system, including feedback to and from employees, support high performance?**

The Judicial Department is organized internally in such a manner that staff interacts with Executive Team members on a daily basis. This interaction enables staff to remain energized with the vision and direction from Judicial Department leadership while, at the same time, Judicial Department leadership gains insight and awareness of staff morale and motivations on a near daily basis.

The Judicial Department considers each justice, judge, and director, with their staff, as a semi-autonomous work group. With more than 100 work groups, the Judicial Department has empowered each justice, judge, and director to evaluate their immediate staff regarding job performance.

The Judicial Department has an open-door policy throughout the organization. Employees are encouraged to meet with their supervisors or with the Offices of Court Administration, Finance and Personnel and/or Information Technology to resolve problems and/or improve the performance of the Judicial Branch.

**4. What formal and/or informal assessment methods and measures do you use to determine employee well being, satisfaction, and motivation?**

The organizational structure of the Judicial Department and the close interaction staff has with managers and directors allows for daily assessments of employee well being, satisfaction and motivation.

**5. How do you maintain a safe, secure, and healthy work environment?**

The Department of Public Safety and local law enforcement agencies provide physical security for judicial facilities and employees across the state.

The Judicial Department has worked with the Budget and Control Board to implement emergency action plans for staff and visitors in the Supreme Court and John C. Calhoun buildings. These are comprehensive action plans designed to prepare employees to deal with emergencies ranging from fire alerts to homeland security issues.

The Chief Justice has also issued orders regarding courtroom security in county courthouses. In addition, the Chief Justice, in coordination with the South Carolina Law Enforcement Division (SLED), has formed a committee to study and make recommendations on improving courtroom security. The committee is composed of state law enforcement officials, sheriffs, corrections officials, clerks of court, and other court personnel. The goal of this committee is to generate standards for courtroom security that can be made applicable to courts at all levels to avoid the tragic incidents that occurred during the past year in courtrooms in Atlanta and Chicago.

Finance and Personnel staff receive training regarding employee benefits and employee referral services. This staff, in turn, provides assistance to employees or referrals to other appropriate agencies.

The Judicial Department encourages good health through an annual worksite health screening in Columbia and regionally throughout the state. During the past year, the Judicial Department sponsored flu shots and onsite mammography testing. In addition, free chronic disease workshops on topics such as cholesterol education, men's health, diabetes, prostate cancer screening, and women's reproductive health were made available.

**6. What activities are employees involved with that make a positive contribution to the community?**

In order to maintain independence and impartiality, the *Code of Judicial Conduct*, *Code of Conduct for Staff Attorneys and Law Clerks* and *Rule on Political Activity for Judicial Employees and Officers* restrict participation in extra-judicial activities by Judicial Department employees. However, these restrictions have not limited participation in community activities as described in **Section III Category 1.8.**

**CATEGORY 6 – PROCESS MANAGEMENT**

The Judicial Department continues to undergo a dramatic change in the manner in which it conducts operations because of the emphasis and greater dependency on technology. These changes are also revamping the culture of the Judicial Department by creating self-sufficiency not only in Judicial Department personnel but also in Judicial Branch users. For example, the "Equity in Education" case which currently is being decided in Clarendon County relied upon technology for the courtroom proceedings, including presentation of evidence, real-time court transcription, retrieval of documents and depositions, playing of video and audio tapes, access to online legal research as well as the to the state's Department of Education website and its library of information. In addition to the capabilities provided within the courtroom, the public and media had immediate, reliable information on the case as it proceeded. The conducting of this case has become a model for other counties, for it highlights how services being provided by the Judicial Department to the citizens of South Carolina are increasing and being enhanced through the Judicial Department process management. Figure 6-1 summarizes the recent paradigm shift in the process management of the Judicial Department.

**Figure 6-1: Paradigm Shift in Process Management of the Judicial Department**

TRADITIONAL THINKING	CURRENT THINKING
Issue Mandates	Develop most attractive option(s)
Change in a REACTIVE Mode	Change in a PROACTIVE Mode
Ivory tower decision making	Grass roots involvement
No funding to the lower courts	Targeted funding for all courts
Limited assistance and support	Numerous mechanisms of support for all levels of court for judicial and non-judicial personnel
Training acquired on your own	Education structured and delivered both in classes and on individual basis
Courts work by themselves	Extensive collaboration with entities outside the courts
All knowledge resides with lawyers	IT professionals, educators, and business managers have skills that greatly enhance judicial operations
Focus on the “haves”	Focus on the “have nots”

**1. What are your key processes that produce, create or add value for your customers and your organization, and how do they contribute to success?**

There are five key processes of the Judicial Department:

- Conducting court hearings and trials for the purpose of fair and impartial judgment
- Issuing rulings which determine the outcome of court proceedings
- Promulgating rules of procedure for all courts to provide statewide uniformity in court proceedings
- Providing court information as the official records of the court proceedings
- Ensuring the public is served by competent, ethical lawyers and judges through the Office of Bar Admissions and the Office of Disciplinary Counsel

The outcomes of these processes are the customers’ and stakeholders’ expectations of the Judicial Department. Therefore, success is determined by the ability of the Judicial Department to accomplish these processes.

**2. How do you incorporate organizational knowledge, new technology, changing customer and mission-related requirements, cost controls, and other efficiency and effectiveness factors into process design and delivery?**

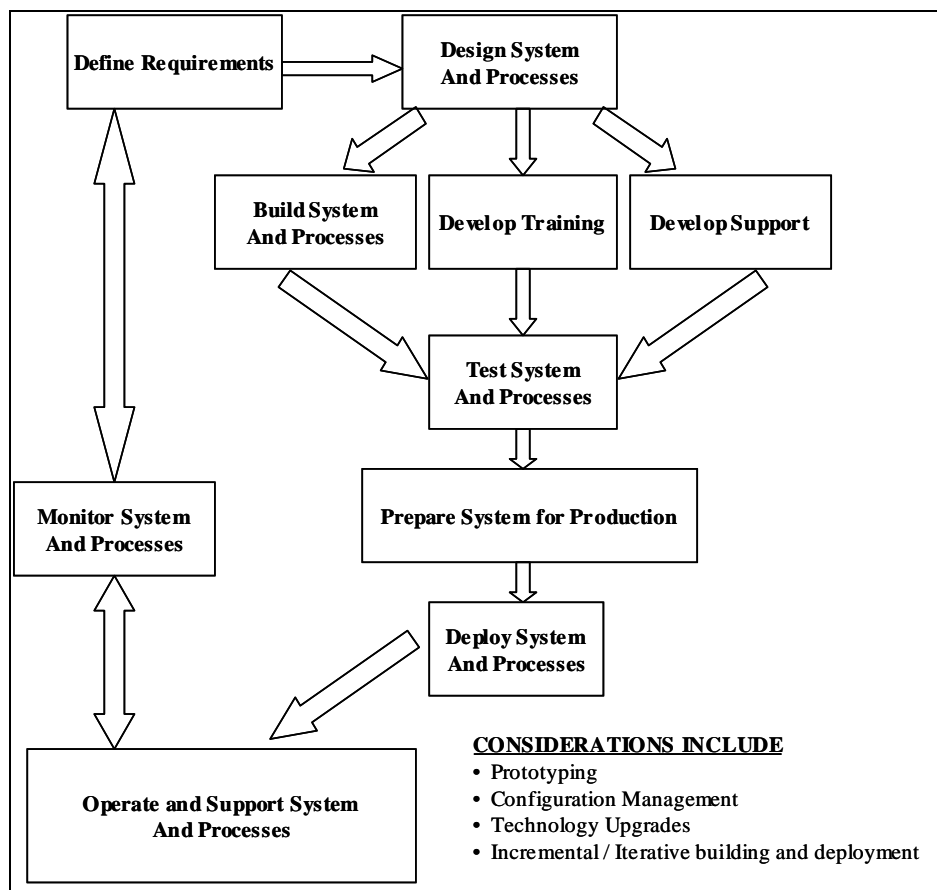
The Judicial Branch of government is a heterogeneous organization composed of a combination of elected officials and staff funded through a combination of state and local sources. As a result, organizational knowledge, new technology, changing customer and mission-related requirements,

cost controls and other factors are incorporated into the processes of the Judicial Department through one of two means: collaborative teamwork and mandates.

***Collaborative Teamwork:*** Whenever possible, collaborative teamwork is used to incorporate organizational knowledge and bring about change. New operational requirements, new technologies and changing expectations of the public and/or Judicial Branch personnel are addressed through joint task forces and project teams. These joint task forces and project teams are composed of representatives from every affected entity. For example, the statewide court case management project team comprises County Clerks of Court staff, County Information Technology (IT) staff, the Office of Court Administration, Judicial Department IT division, the Judicial Department's systems integrator, and vendors. The process that the Judicial Department follows to incorporate change into Judicial Branch processes and systems is illustrated in Figure 6.1-1. Note that this process is followed after the project team and/or task force members are already identified and notified of the recommendation for a change.

Teamwork promotes collaboration and ownership by enabling more ideas to be incorporated in a project. Teamwork usually requires a greater time commitment at the beginning of the effort but generally reduces the time and disruption of business during the deployment phase.

**Figure 6.1-1: Teamwork Process**



**Mandates:** Mandates are only used in matters of law and in situations of crisis when consensus building is not an option. For example, changes in the statutes and codes by the Legislature that result in changes within the Judicial Branch are a type of mandate. Prohibiting the use of cell phones in courtrooms is an example of a mandate. A mandate is issued by a judicial order or administrative directive.

### 3. How does your day-to-day operation of these processes ensure meeting key performance requirements?

Because of the role of the Judicial Branch in the judicial process of the United States, it is constantly in the public limelight. The scrutiny of the news media is a daily measure of whether the Judicial Department is meeting its responsibilities. The interactions that the Judicial Branch has with other government entities on a daily basis, through questions and noted discrepancies in reports, constitute another measure.

### 4. What are your key support processes, and how do you improve and update these processes to achieve better performance?

The Judicial Department uses 10 key support processes in its adjudicatory and administrative functions:

- Court scheduling
- Licensing
- Disciplining

- Legal education programs
- Monitoring legislation
- Legislative election of judges
- Pro bono representation of indigents
- Procurement
- Employee compensation and benefits
- Deployment of information technology

Changes and updates to these processes occur through the methods defined in **Section III Category 6.1**, enactment and amendment of statutes made by the General Assembly, appellate court opinions, amendments to rules of procedure, and through collaboration with customers and stakeholders.

**5. How do you manage and support your key supplier/contractor/partner interactions and processes to improve performance?**

Key suppliers and partnerships are managed and supported by the Judicial Department through five primary means:

- State purchasing for all contractual procurements ranging from supplies and standard office services such as copier machine repairs to computer hardware and consulting services
- Office of Information Technology for technologies and related services
- Court Administration for liaison with the General Assembly and state and local agencies
- Office of the Chief Justice for liaison with federal grant programs
- Interactions with other government agencies (federal, state, and local) are conducted and managed by each of the divisions within the Judicial Department on an individual basis

**CATEGORY 7 – BUSINESS RESULTS**

**1. What are your performance levels and trends for key measures of customer satisfaction?**

By definition, the courts decide cases. Therefore, the final decision in a case means that one side will win and generally be satisfied, while the other side will lose and generally be dissatisfied. The Judicial Department strives to ensure that the process by which the case is adjudicated is reliable and fair to the participants.

The Judicial Department obtains information about customer satisfaction in a variety of ways:

- First, it meets with the leadership of the South Carolina Bar to obtain information about the needs of and problems facing lawyers in this State.
- Second, it meets with various groups or associations, including the South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association, Circuit Court Judges Advisory Committee, Family Court Judges Advisory Committee, Probate Court Judges Advisory Committee, Clerks of Court and Registers of Deeds Advisory Committee, Court Reporters Advisory Committee, the Solicitors Association, the Public Defender's Association, the Probate Judges Association, and the Summary Court Judges Association to obtain information about their satisfaction with the Judicial Branch.
- Third, information about the public's level of satisfaction is obtained from correspondence received from members of the public, media reports, written responses to requests for public

comment regarding rule changes and other matters, and public hearings held on various rule changes or other matters.

The key measures of customer satisfaction for the Judicial Department are twofold:

1. accessibility of accurate court information
2. response time to requests received

Through the incorporation of technology, both of these key measures of customer satisfaction are improving. For example, the Judicial Department website provides a summary of the issues included in cases to be argued before the Court and, once a case has been decided and published, offers readers a synopsis of the opinion decision. The website also provides access to unpublished opinions of both the Court of Appeals and the Supreme Court, updated rules, court calendars, forms, procedure manuals, CDR codes, judicial orders, etc. The website continues to evolve to provide greater functionality and more information and online services.

## **2. What are your performance levels and trends for key measures of mission accomplishment and organizational effectiveness?**

The following are key measures of mission accomplishment for the Judicial Department.

### **2.1. Supreme Court of South Carolina**

As indicated in **Section II – Business Overview**, the Supreme Court has both adjudicatory and administrative functions.

#### **2.1.1 Supreme Court Performance Levels and Trends in the Adjudicatory Area**

In the adjudicatory area, the key indicator of performance level is the case filing and disposition information listed in Tables 2.1.1-1 and 2.1.1-2.

**Table 2.1.1-1: Supreme Court Caseload Activity**

<b>CASELOAD ACTIVITY</b>	<b>NUMBER</b>
<b>Opinions Issued</b>	
Published	173
Unpublished	71
<b>Total Opinions</b>	<b>244</b>
<b>Motions Pending July 1, 2004</b>	<b>56</b>
<b>Motions Filed</b>	<b>2873</b>
<b>Motions Ruled Upon</b>	<b>2852</b>
<b>Motions Pending June 30, 2005</b>	<b>77</b>

**Table 2.1.1-2: Supreme Court Case Filings and Dispositions for Fiscal Year 2004-2005**

<b>FILINGS AND DISPOSITIONS</b>	<b>NUMBER</b>
<b>Cases Pending July 1, 2004</b>	<b>1,126</b>



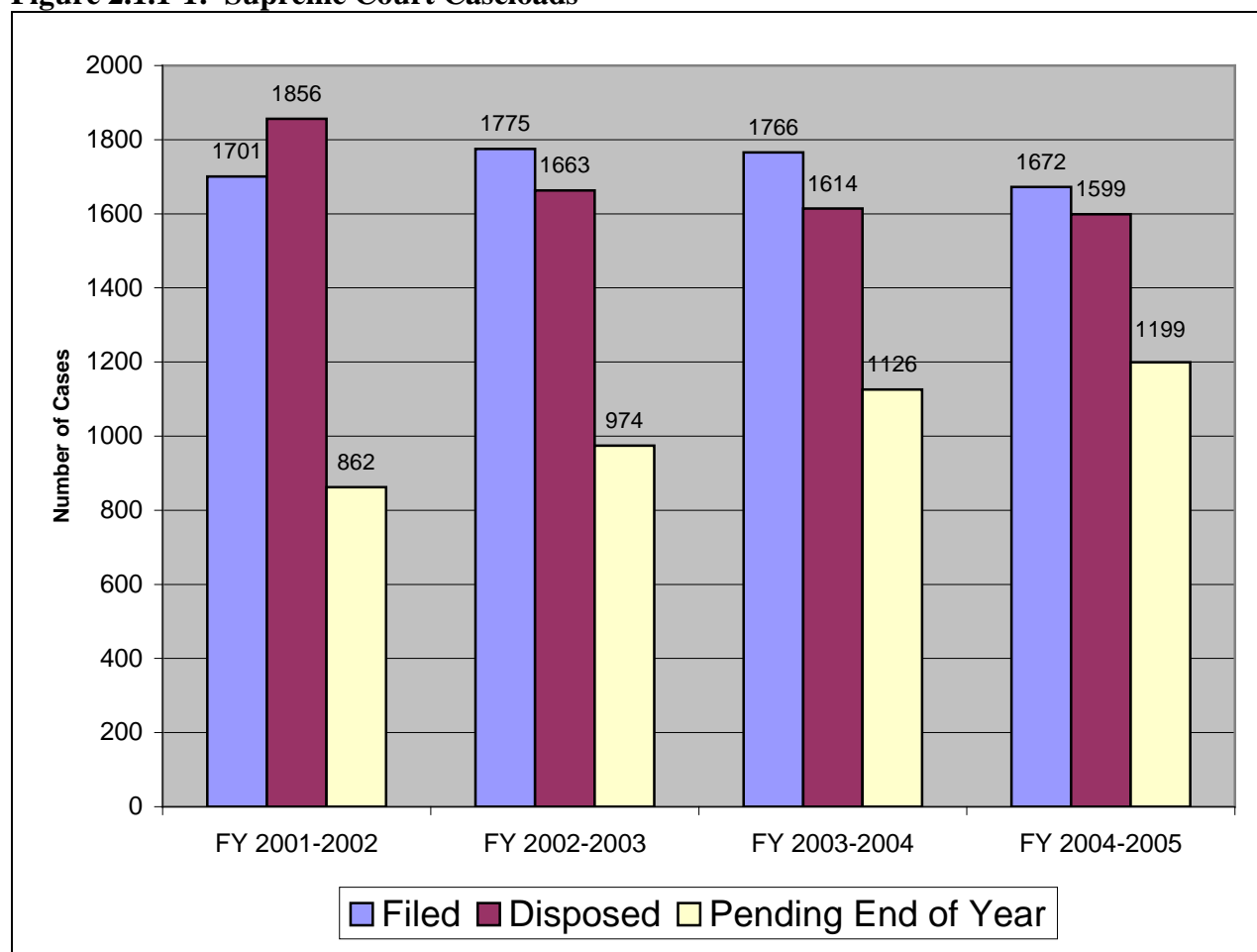
South Carolina Judicial Department Accountability Report 2004 – 2005

<b>Cases Filed in FY 2004-2005</b>	
Direct Appeals	
Civil	122
Criminal	125
Petitions for Certiorari	
Post-Conviction Relief	582
Court of Appeals	212
Original Jurisdiction	
Writs	328
Actions	44
Certified Questions	8
Judicial Conduct	8
Lawyer Conduct	29
Bar Admissions	110
Bar License Fees / CLE Suspensions / Reinstatements	88
Disciplinary Reinstatements	16
<b>Total Cases Filed</b>	<b>1,672</b>
<b>Total Cases Awaiting Disposition</b>	<b>2,798</b>
<b>Cases Disposed Of</b>	
Direct Appeals	
Criminal	
Transferred to Court of Appeals	106
Dismissed / Other Disposition	1
Opinion Filed	15
Civil	
Transferred to Court of Appeals	63
Dismissed / Other Disposition	6
Opinion Filed	68
Petitions for Certiorari	
Post-Conviction Relief	
Transferred to Court of Appeals	100
Dismissed / Other Disposition	57
Denied	317
Opinion Filed	63
Court of Appeals	
Dismissed / Other Disposition	21
Denied	98
Opinion Filed	51
Original Jurisdiction	
Writs	324
Actions	45

Certified Questions	6
Judicial Conduct	8
Lawyer Conduct	31
Bar Admissions	112
Bar License Fees / CLE Suspensions / Reinstatements	95
Disciplinary Reinstatements	12
<b>Total Cases Disposed</b>	<b>1,599</b>
<b>Cases Pending June 30, 2005</b>	<b>1,199</b>

Caseload and disposition data for the last four years are reflected in Figure 2.1.1-1

**Figure 2.1.1-1: Supreme Court Caseloads**



This chart shows that the number of pending cases at the end of the year increased by 73 matters. Most of this increase is due to the number of pending petitions for writ of certiorari in post-conviction relief matters. In large part, this is due to the fact that a number of staff attorney positions were not filled due to budget reductions in prior years. These positions are now being

filled and this should have a positive impact on the disposition rate of these petitions in the next fiscal year.

### **2.1.2 Supreme Court Performance Levels and Trends in the Administrative Area**

The effectiveness with which the Chief Justice and the Supreme Court administer the trial courts is reflected in the positive key results at every level of the Judicial Branch.

Regarding its rule-making authority, the Supreme Court has made various rule amendments during the fiscal year:

- The Court adopted significant changes to the Rules of Professional Conduct contained in Rule 407 of the South Carolina Appellate Court Rules (SCACR). These rules, which provide the ethical standards for lawyers, were amended to incorporate many of the changes made by the American Bar Association as part of its Ethics 2000 initiative. Prior to adopting the changes, the Court solicited written comments from the bench, bar and public and conducted a public hearing on the proposed changes.
- The Court amended Rule 227, SCACR, to allow the Court of Appeals to review post-conviction relief decisions. This change implements legislation that was passed several years ago. Additionally, where the lower court has determined that post-conviction relief action is barred as being successive or as being untimely under the statute of limitations, the Court has amended Rule 227 to require the applicant to provide an explanation showing that there is an arguable basis for asserting that the determination by the lower court was improper. If the applicant fails to do so, the matter may be dismissed. It is hoped that these two amendments to Rule 227 will allow for the more expeditious review of post-conviction relief actions and will end post-conviction relief actions that are clearly barred as successive or untimely before appellate resources, including the resources of the Office of Indigent Defense and the Office of the Attorney General, are needlessly expended on these cases.
- Rule 403, SCACR, was amended to reduce the trial experiences required for law clerks employed by the Fourth Circuit Court of Appeals. This change treats these law clerks in the same manner as law clerks for the Supreme Court of South Carolina and the South Carolina Court of Appeals are treated.
- Rule 404, SCACR, relating to *pro hac vice* admission, was amended to make it apply to appearances before state administrative tribunals and to apply to arbitration proceedings.
- The Court amended Rule 5(a) of the South Carolina Rules of Civil Procedure (SCRCP) to make it clear that all major documents and papers in a civil action must be served on every party to the action, and amended Rule 30(a)(2), SCRCP, to clarify where a party to an action may be deposed.

### **2.1.3 Supreme Court Other Key Measures of Performance**

The Supreme Court prides itself on responding to correspondence and telephone inquiries in a prompt and courteous manner. On many occasions, the staff of the Supreme Court has been advised that similar correspondence to other parts of the state or local government have simply gone unanswered. The Supreme Court has continued to take steps to increase public awareness of the Judicial Branch and its role in our society. In conjunction with the South Carolina Bar, the Supreme Court conducted the first Supreme Court Institute for high school teachers. This program, which was modeled on a program developed by the Wisconsin Supreme Court, is a professional development

program that allows these teachers to learn about the judicial system in South Carolina through interaction with attorneys, judges and members of the Supreme Court. This intensive, two-and-a-half-day program gives educators a variety of new tools for teaching about the courts and the justice system in a way that is relevant and interesting to their students.

The Judicial Department, working with the South Carolina Bar and the South Carolina Education Television Commission, has continued to improve its very successful “Class Action” program. The program allows junior and senior high school students to read briefs prior to oral argument, attend arguments before the Supreme Court, and engage, within the limits of the Court’s confidentiality policy, in a question and answer session with the Court about issues in the case. During this fiscal year, the program has been improved by identifying one case each month as the case of the month. The briefs and a video of the oral arguments in this case are being made available on the Judicial Department’s website so students who cannot attend the live arguments may participate in the program.

In addition, the Supreme Court participated in South Carolina Girls’ and Boys’ State activities, provided instruction regarding the South Carolina Judicial System to students from the elementary to the college level, provided tours of the Supreme Court building to numerous groups, and hosted the Chief Justice J. Woodrow Lewis Moot Court competition for law students.

## **2.2 Court of Appeals**

Case and motion filing and disposition constitute the key indicators of the performance level for the Court of Appeals. This information appears in Tables 2.2-1 and 2.2-2 and Figure 2.2-1.

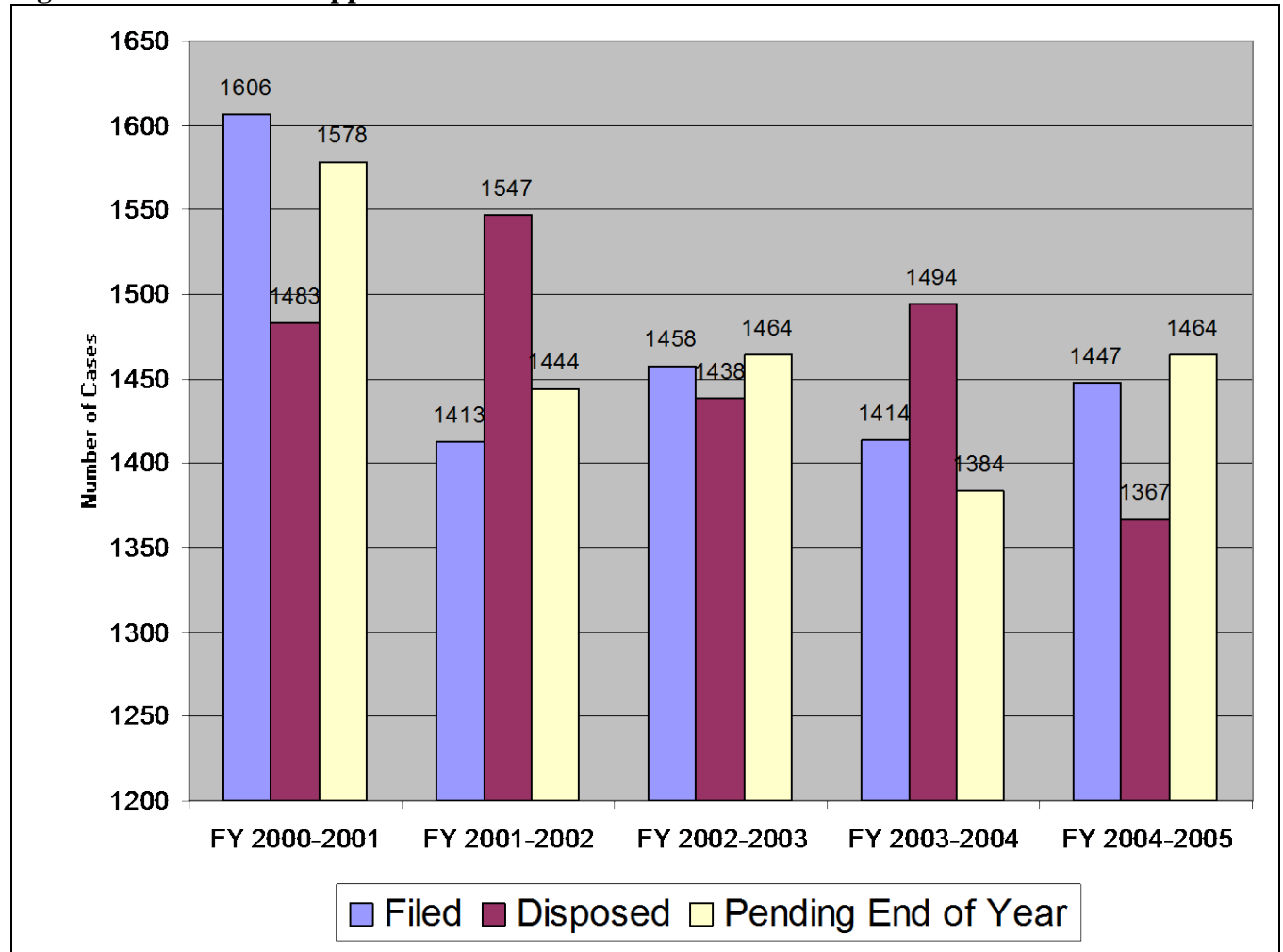
**Table 2.2-1: Court of Appeals Case Filings and Dispositions**

<b>FILINGS / DISPOSITIONS</b>	<b>NUMBER</b>
<b>Cases Pending July 1, 2004</b>	<b>1384</b>
<b>Cases Filed</b>	<b>1447</b>
<b>Cases Completed</b>	<b>1367</b>
<b>Cases Pending June 30, 2005</b>	<b>1464</b>

**Table 2.2-2: Court of Appeals Caseload Activities**

<b>CASELOAD</b>	<b>NUMBER</b>
<b>Opinions Issued</b>	
Published	168
Unpublished	658
<b>Total Opinions</b>	<b>826</b>
<b>Motions Pending July 1, 2004</b>	<b>67</b>
<b>Motions Filed</b>	<b>5985</b>
<b>Motions Completed</b>	<b>5949</b>
<b>Motions Pending June 30, 2005</b>	<b>103</b>

**Figure 2.2-1: Court of Appeals Caseloads**



The key performance indicator for the Court of Appeals is the number of cases filed and concluded. The Court of Appeals Clerk's Office periodically uses surveys to determine customer satisfaction in the areas of promptness, accuracy, and courtesy. These surveys address only the administrative process and do not ask for comments on the legal outcome of appeals. Besides surveys, communications by letter, telephone and personal visits keep court staff aware of areas of concern during the process of preparing the appeal for decision by the Court of Appeals.

### **2.2.2 Court of Appeals Other Key Measures of Performance**

Each year the Court of Appeals welcomes many school and civic groups and other visitors to its historic quarters in the John C. Calhoun Building. Paralegal groups, students from colleges, high schools, middle schools, and elementary schools, model government participants, moot court contestants, community business and political leaders, international government figures, and citizens with an interest in the judiciary come to see the Court of Appeals in action or just to visit a courtroom and library with the flavor of times past. Using a specially edited transcript of an actual

oral argument before the Court, students have the chance to play the roles of advocates and judges, thus experiencing first hand the intense give-and-take of oral argument.

Not only does the public come to the Court of Appeals in Columbia, the Court itself travels to hold Court in different parts of the state. In this fiscal year, the Court of Appeals held terms of Court in Greenville and Horry Counties. With the cooperation and assistance of the local bar organizations, the Court made itself available to members of the public and students from these counties, who thus were able to observe oral arguments more readily. In the next year, terms have already been scheduled for Spartanburg and Charleston counties.

### **2.3 Bar Admissions**

The key indicators of the performance level for Bar Admissions are listed in Table 2.3-1.

**Table 2.3-1: Bar Admissions**

<b>KEY INDICATOR</b>	<b>RESULTS</b>
Bar Applications Filed	588
Applications for Limited Certificates	5
Applicants Who Appeared Before the Committee on Character and Fitness	17
Special Accommodation Requests Filed	12
Courses of Study Filed	7
Applicants Taking the Bar Examination	530
Number and Percentage Passing	416 / 78 %
Applicants Admitted	394
Hearings Held on Reinstatement Petitions	7
Trial Experiences Processed	287
Applications to be Certified as Lead Counsel in Death Penalty Cases	3

Rules and forms used in the admission process are available on the Judicial Department website, [www.sccourts.org](http://www.sccourts.org), allowing applicants ready access to this information and decreasing staff time spent answering written and telephone inquiries. During this fiscal year, the Bar Admissions Office met with a vendor to begin the process of automating the bar admissions process. The ultimate goal will be to have an automated system in which applicants will be able to file online applications, requirements for admission will be tracked electronically, and letters and forms relating to admission can be automatically generated.

The Office of Bar Admissions continues to use the Internet to make the results of the bar examination available to the applicants in a more timely manner. A release date and time for the results is now set in advance, and applicants are able to immediately have the results without waiting to receive notification by mail. Not only has this notification been of tremendous benefit to the applicants, it has eased the number of telephonic inquires received by the Bar Admissions Office regarding the results of the examination.

## **2.4 Office of Disciplinary Counsel**

The primary goals of the Office of Disciplinary Counsel (ODC) are (1) to expeditiously dispose of complaints in a fashion to promote institutional values promulgated by the Supreme Court of South Carolina and (2) to instill public confidence in the integrity of the legal and judicial system. The performance of ODC is primarily indicated by the disposition of cases made annually made each by these Commissions.

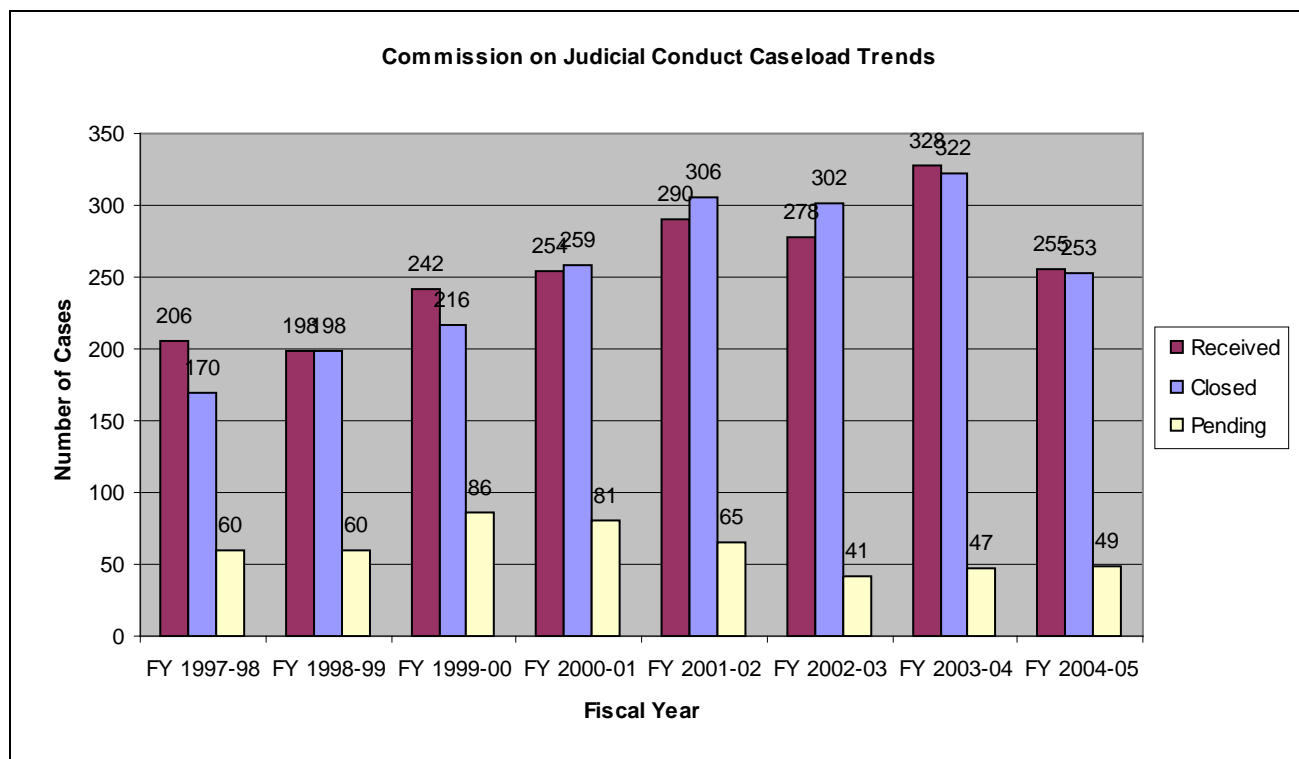
### **2.4.1 Commission on Judicial Conduct**

The performance levels for the Commission on Judicial Conduct are listed in Table 2.4.1-1 and Figure 2.4.1-1.

**Table 2.4.1-1: Commission on Judicial Conduct Performance Levels**

<b>COMPLAINTS</b>	<b>NUMBER</b>
Complaints pending July 1, 2004	47
Complaints received this year	255
<b>Total of pending and received complaints for the past fiscal year</b>	<b>302</b>
<b>DISPOSITION OF CONCLUDED COMPLAINTS</b>	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	127
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	37
Dismissed by Investigative Panel after preliminary investigation	40
Dismissed by Investigative Panel after full investigation	2
Dismissed by the Supreme Court	0
<b>Total Dismissed</b>	<b>206</b>
Other - Referred to another agency	1
Letter of Caution without finding of misconduct	18
Letter of Caution with finding of minor misconduct	6
Admonition (Confidential)	8
Admonition (Public but not Published)	0
Public Reprimand	9
Suspension	3
Removal from Office	1
Closed But Not Dismissed	1
Other	0
<b>Total Dispositions other than Dismissal</b>	<b>47</b>
<b>Total Complaints concluded this year</b>	<b>253</b>
<b>Total Complaints pending as of June 30, 2005</b>	<b>49</b>

**Figure 2.4.1-1: Commission on Judicial Conduct Caseload Trends**



#### 2.4.2 Commission on Lawyer Conduct

The performance levels for the Commission on Lawyer Conduct are listed in Table 2.4.2-1 and Figure 2.4.2-1.

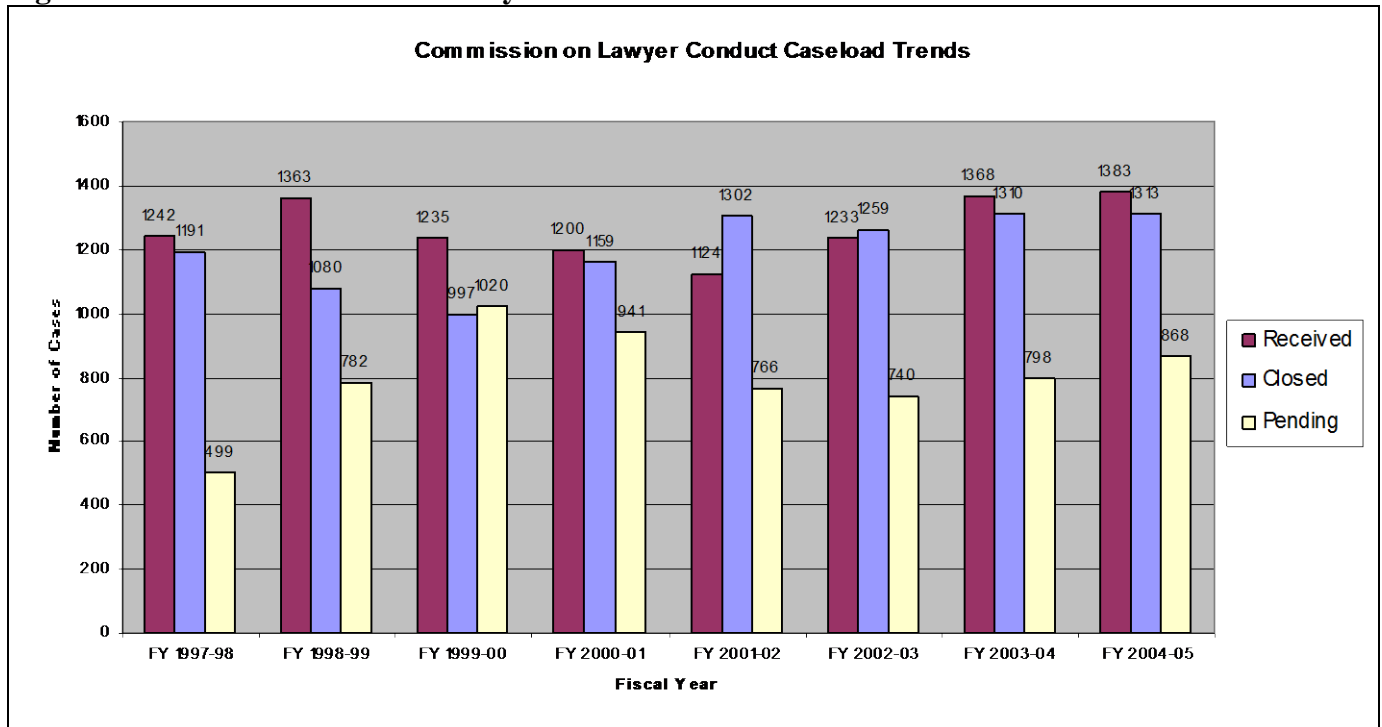
**Table 2.4.2-1: Commission on Lawyer Conduct Performance Levels**

COMPLAINTS		NUMBER
Complaints pending July 1, 2004		798
Complaints received		1383
<b>Total pending and received complaints</b>		<b>2181</b>
<b>DISPOSITION OF CONCLUDED COMPLAINTS</b>		
Dismissed by Disciplinary Counsel after review (no jurisdiction)		199
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)		661
Dismissed by Investigative Panel after preliminary investigation		138
Dismissed by Investigative Panel after full investigation		18
Dismissed by Supreme Court		4
<b>Total Dismissed</b>		<b>1020</b>
Referred to Other Agency		4
Letter of Caution without finding of misconduct		120
Letter of Caution with finding of minor misconduct		53



Transferred to Incapacity Inactive Status as final disposition	0
Deferred Disciplinary Agreement	7
Admonition	38
Private Reprimand (Public information)	0
Public Reprimand	14
Suspension	23
Disbarment	18
Closed but not Dismissed	14
Other Disposition (death of lawyer)	2
<b>Total Dispositions other than Dismissal</b>	<b>293</b>
<b>Total complaints concluded</b>	<b>1313</b>
<b>Complaints pending as of June 30, 2005</b>	<b>868</b>

**Figure 2.4.2-1: Commission on Lawyer Conduct Caseload Trends**



### 2.4.3 Office of Disciplinary Counsel Other Key Measures of Performance

The staff of ODC participates as presenters and panel members for numerous continuing legal education programs sponsored by the S.C. Bar, the S.C. Judicial Department, other government agencies, and professional organizations. Staff also participates in the Bridge the Gap Course, which is required of all applicants for admission to the practice of law.

ODC provides an orientation program for approximately 70 attorneys appointed to assist Disciplinary Counsel and monitors and assists them in their investigation of complaints at the local level. ODC assists and provides advice to attorneys appointed to protect the interest of clients of

attorneys who are incapacitated, suspended or otherwise unable to complete their representation of their clients in pending matters. ODC serves as counsel in contempt proceedings before the Supreme Court of South Carolina and before the Committee on Character and Fitness when suspended or disbarred lawyers seek reinstatement or readmission. ODC works closely with federal, state and local investigative and prosecutorial agencies, particularly the Attorney General's Office and State Law Enforcement Division, to utilize their information, technical expertise and forensic assets and to assist them in prosecuting crimes committed by lawyers or judges when authorized to do so. ODC also participates in the FBI's Midlands Fraud Task Force. In addition, staff members take courses offered by other agencies on topics ranging from real estate fraud to detecting and overcoming deception.

ODC is working with the Judicial Department Information Technology to develop a software program to assist in detecting misappropriation and other misconduct involving financial matters. The two divisions are also collaborating to develop a software program to manage the considerable influx of information that will be received when Ethics 2000 revisions to the Rules of Professional Conduct take effect on October 1, 2005, particularly the requirements for lawyers to file certain advertising and solicitation materials and for banks to report overdrafts and NSF checks related to lawyer trust/escrow accounts. It is the goal of ODC to respond to complaints within 72 hours of their receipt and complete at least as many complaints each year as received.

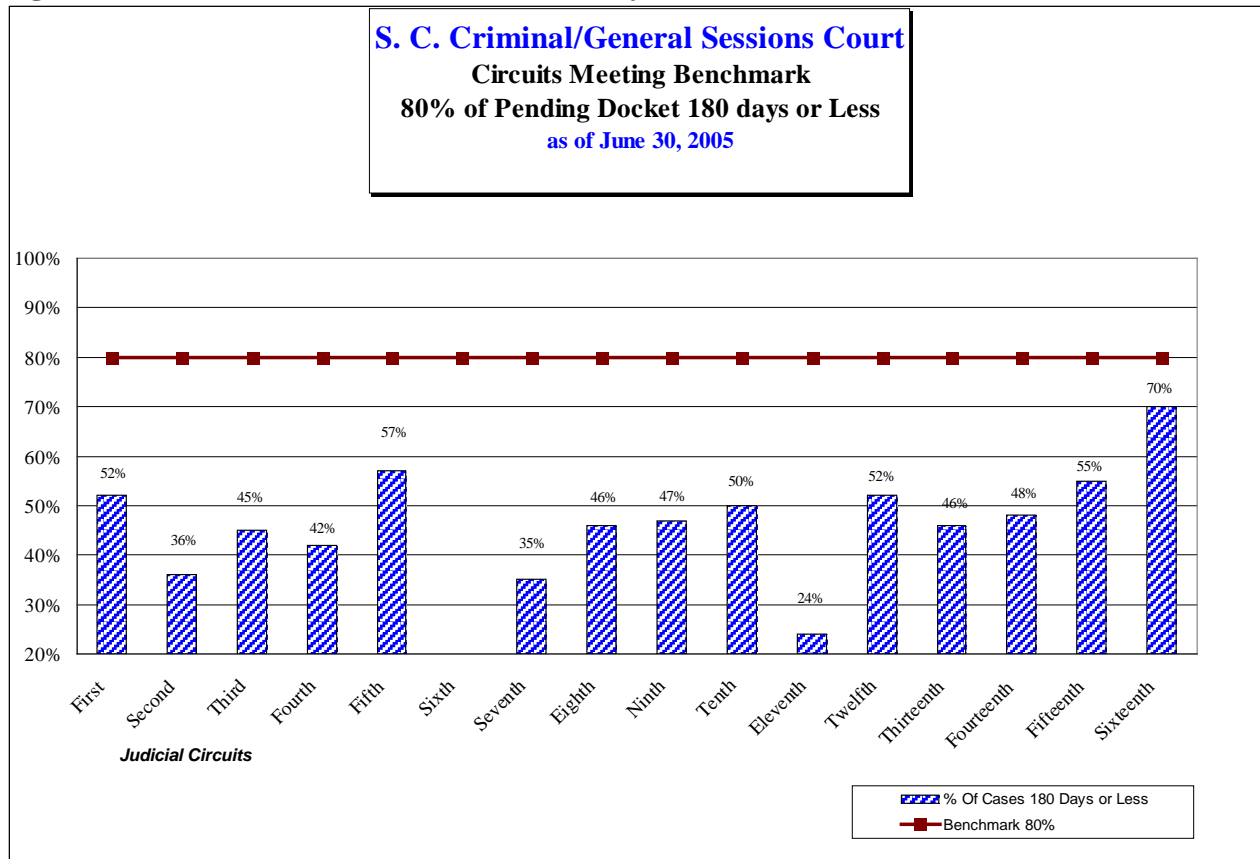
## **2.5 Circuit Court (General Sessions and Common Pleas) and Family Court**

Benchmarks have been established to meet the parties' need to have cases decided within a reasonable amount of time, depending on the type of court. The target time for processing a case in General Sessions court (benchmark) is resolution within 180 days of filing. The benchmark for a case filed in Common Pleas court is 365 days from date of filing. Cases filed in Family Court have a benchmark of 270 days.

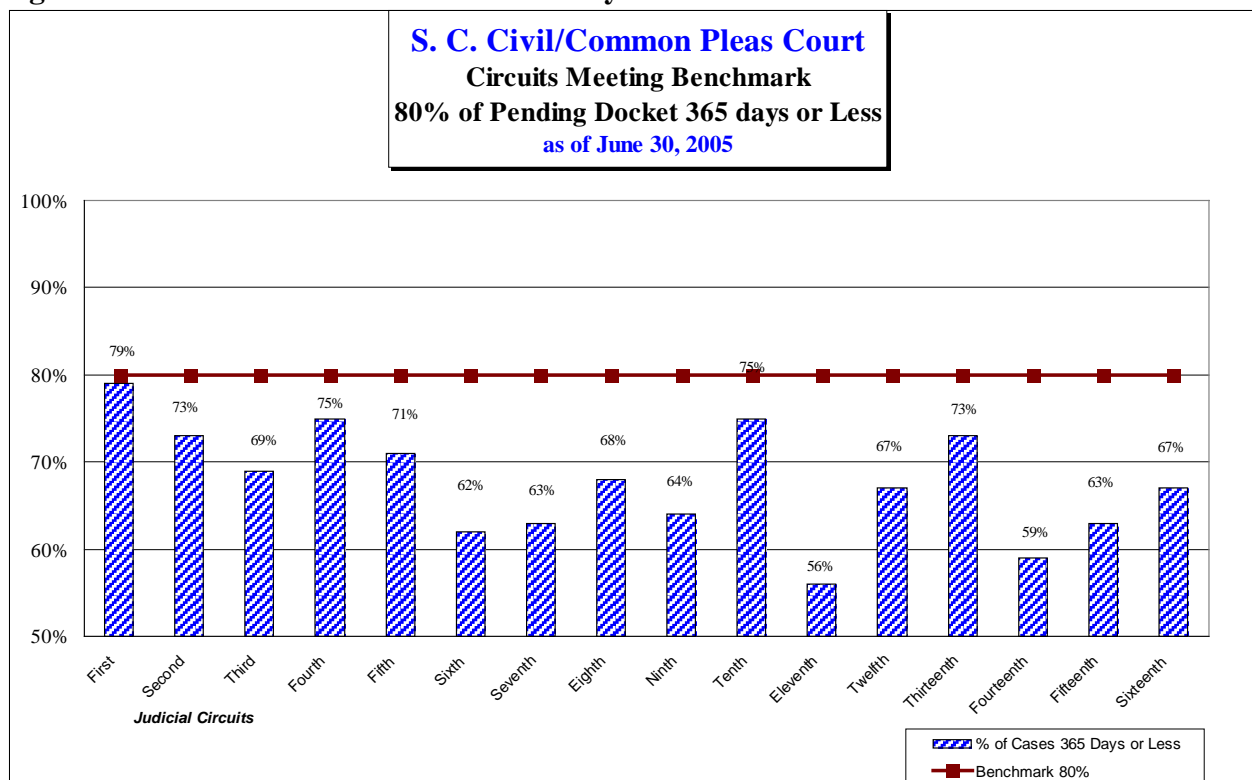
Figures 2.5-1, 2.5-2 and 2.5-3 show this year's results of the judicial circuits according to the benchmarks as of June 30, 2005:

<b>General Sessions Circuits Meeting Benchmark:</b>	<b>0 of 16</b>
<b>Common Pleas Circuits Meeting Benchmark:</b>	<b>0 of 16</b>
<b>Family Court Circuits Meeting Benchmark:</b>	<b>13 of 16</b>

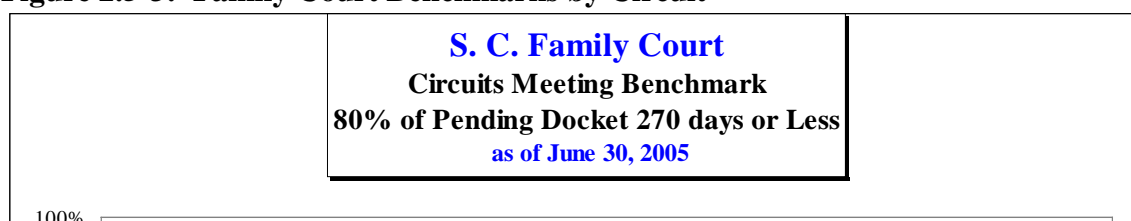
**Figure 2.5-1: General Sessions Benchmarks by Circuit**



**Figure 2.5-2: Common Pleas Benchmarks by Circuit**



**Figure 2.5-3: Family Court Benchmarks by Circuit**

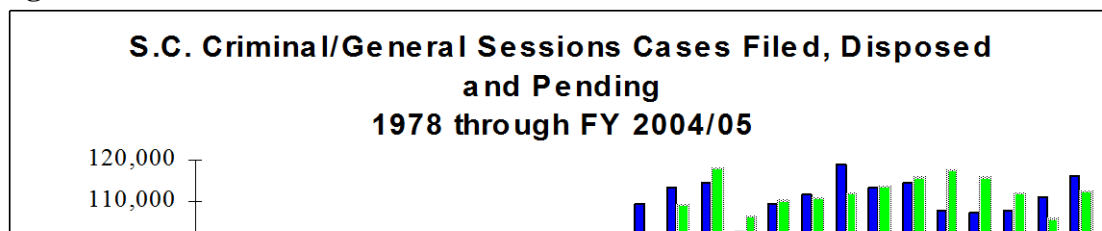


The increasing circuit court caseloads have hampered the ability of the judicial circuits to meet the caseload benchmarks this past year. Some individual special projects were held in the trial courts throughout the year to address the caseload backlog problems; however, these successes were not enough to carry the overall state benchmarks into the satisfactory range.

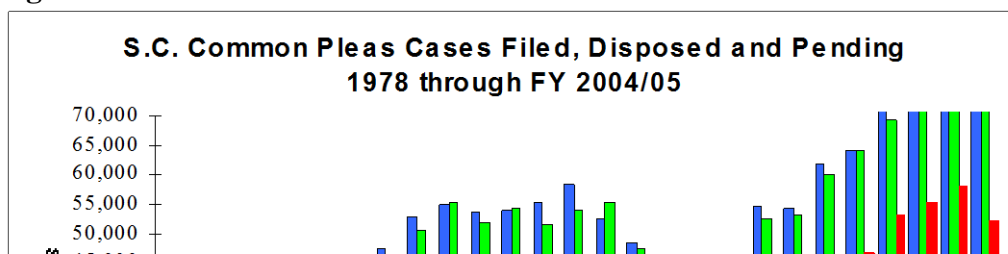
**Table 2.5-1: Terms of Court**

YEAR	COMMON PLEAS	GENERAL SESSIONS	TOTAL CIRCUIT COURT	FAMILY COURT
1997/98	895.8	861.8	1757.6	2088.8
1998/99	991.4	870.0	1861.4	2176.6
1999/00	1057.2	892.2	1949.4	2220.2
2000/01	1007.2	887.7	1894.9	2213.7
2001/02	956.6	893.2	1849.8	2137.9
2002/03	941.2	888.2	1829.4	2194.4
2003/04	856.8	903.3	1759.8	2481.4
2004/05	956.0	959.0	1915.0	2121.6

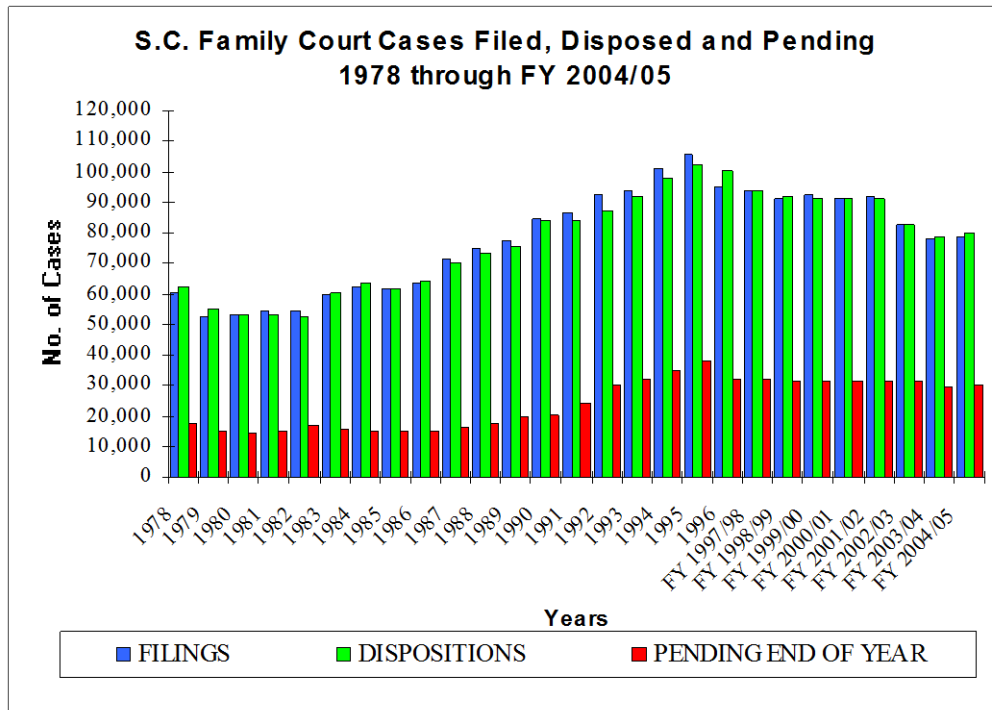
**Figure 2.5-4: General Sessions Cases**



**Figure 2.5-5: Common Pleas Cases**



**Figure 2.5-6: Family Court Cases**



## 2.5.1 Other Key Measures of Performance

As by-products of Judicial Department technology initiatives, the paradigm, culture, and mindset of the Judicial Branch have been changed at both the state and local levels, which have impacted court operations. By facilitating communication through electronic dissemination of reports, its presence on the Internet, and partnerships with other state and local agencies, the Judicial Department has seen significant improvements. Many operations such as posting and distribution of court rosters, court calendars, judicial procedure manuals, forms, and monthly caseload reports now occur online through the Web. The increase in accuracy and timeliness of the information received and disseminated by the Judicial Department is in addition to the direct monetary savings to counties and the state, which is estimated to be in the range of hundreds of thousands of dollars. The use of the Judicial Department's website is now an integral part of the daily operations of the courts. This site is now receiving more than 5 million hits per month. The deployment of the statewide court case management system in the three pilot counties was completed during this past fiscal year. Final updates and migration of this system into a currently supported development environment was also completed. Rollout of this system statewide to the other counties now begins. With the completion of the pilot counties, more than 20% of the state caseload is under management of the new statewide court case management system.

## **2.6 Office of Court Administration Performance Levels and Trends**

A brief review of program accomplishments by work groups within Court Administration is as follows:

### **2.6.1 Court Services**

The Court Services staff continuously works to preserve the integrity of the information contained in the Clerk of Court Manual by assigning specific staff members the responsibility to monitor relevant chapters and forms within their area of expertise. Updates to the Clerk of Court Manual occur frequently as a result of changes to court rules, statutes and administrative orders. These changes often require revisions to procedural guidelines outlined in the manual as well as revisions to Supreme Court-approved forms.

Projects for the year included development of a statewide civil coversheet, adoption of uniform standards for indexing court records, development of uniform, nature-of-action codes to track and describe common pleas and family court cases, and establishment of guidelines for handling firearm exhibits in court. Additionally, the Court Services staff participated in a national movement relating to the recognition of protective orders across state lines. This movement is called "Passport to Safety." As a result of participation in this national effort to achieve uniformity among protective orders, the current orders for protection from domestic abuse and harassment and stalking were revised.

The Court Services staff schedules all terms of court for all Circuit and Family Courts for all of the 46 counties. In addition to determining the proper locations and terms of court, judges and court reporters are assigned to these locations and terms of court. This large and encompassing schedule is now generated six months in advance for each six-month term of court.

The Court Services staff provided assistance to trial court staff and clerks of court through on-site visits and training. The court services representative visited 42 clerk of court offices at least



once during the year to review files to ensure statutory compliance and to provide assistance in document processing and procedures. The court services representative also performed on-site verifications at 47 county probate court offices, physically examining case files in the last fiscal year. Additionally, in conjunction with the Probate Judges Advisory Committee, probate court forms continue to be modified and electronically posted on the website for public and court use. The court services representative also assisted with establishment of a webpage for each probate judge on the SCJD website.

The circuit, family, and court services representatives met with advisory committees on a quarterly basis to address issues related to their area of concern. Orientation schools for new family court, circuit court, and probate court judges were planned and coordinated, as well as a training session for new chief administrative judges. In addition, an orientation school for new clerks of court and registers of deeds was conducted. In accordance with the value of teamwork, Court Services, working with other members of the Judicial Department, planned and coordinated the New Appellate Law Clerks and Staff Attorneys' Seminar, the New Circuit Court Law Clerks Seminar and the annual Judicial Conference, which included 250 participants. Judicial Education Scholarship funding was obtained for 16 judges to attend courses conducted at the National Judicial College. Six new judges will attend the General Jurisdiction course, one sitting judge will attend the Handling Capital Cases course, and nine judges will attend a variety of multi-day competency courses. These scholarships are funded through grants provided through the South Carolina Bar Foundation (IOLTA) trust accounts with a match from the Bureau of Justice Assistance. Periodic notifications were sent to judges informing them of various judicial education opportunities. On-site training was provided to three new county clerks of court and one new probate judge. Judicial Department funding is provided annually to a limited number of family court judges to attend the National Conference of Juvenile and Family Court Judges.

Court Services staff responds to inquiries involving court policy and procedures and researches legal authorities for clarification of issues for many customers and stakeholders. In the past year, approximately 35 family court-related inquiries by telephone were resolved each month. Additionally, each month staff processed and responded to approximately 40 written inquiries from inmates alone.

### **2.6.2 Court Reporting**

The Court Reporting staff is responsible for ensuring that an official state court reporter is assigned to each term of Circuit and Family court. In addition, this staff monitors the production of transcripts requested, ensuring that court reporters are in compliance with the time limits set by Order of the Supreme Court.

Additionally, the manager of the court reporting staff is responsible for maintaining a statewide list of certified or otherwise qualified interpreters. South Carolina recently joined the Consortium for State Court Interpreter Certification. Membership in the Consortium will help enhance the professional competence standards for court interpreters and provide a statewide mechanism for ensuring that interpreters possess the appropriate minimum skills required for interpreting in a court setting.

Court Administration is allowed to grant up to three extensions for time to deliver transcripts. Court reporters who cannot deliver transcripts within the three-extension time frame must seek approval from the Chief Justice for a fourth extension. Unfortunately, due to the number of vacancies (14) in Family Court, Circuit Court reporters are experiencing an increase in the number of extensions they have to request. Several court reporters have requested and received fourth extensions on transcripts. Typically, a fourth extension request is made for death penalty, malpractice, or long and complicated trials. Only court reporters expressing an interest in reporting death penalty trials are assigned to those cases. In an effort to address the increased extension requests, court reporters are currently being encouraged to seek transcript production assistance.

Many of the Judicial Department court reporters have become proficient in generating Realtime transcriptions. In a continuing collaborative effort with the Judicial Department's Office of Information Technology staff, approximately 20 court reporters have been provided equipment, assistance, and training in Realtime techniques, advancing the efforts to ultimately provide Realtime Technology in every Family and Circuit courtroom in the state.

### **2.6.3 Summary Court Services**

Many of the Summary Court judges are not attorneys, nor do they have law clerks. Court Administration's two staff attorneys and summary court representative provide the necessary support for these courts to operate within the requirements of court rules and state laws. The Summary Court Services staff also conducts a two-week mandatory orientation school for new judges twice a year. This year, 57 new judges were enrolled. Staff assists the Board of Magistrate and Municipal Judge Certification in fulfilling their responsibilities as required by court rules. The certification examination was administered to 54 new appointees, as required by state law, with 49 appointees passing the examination. The staff coordinates with the state technical college system and oversees an eligibility examination to test basic skills of all prospective magistrates. The Summary Court Services staff, in conjunction with the Magistrate Advisory Council, coordinates and provides instruction at an annual one-week intensive education program for sitting magistrates, with approximately 59 judges participating. Staff coordinates and/or makes presentations at legal education seminars statewide. Staff responds to numerous inquiries from court personnel, citizens, inmates, and state and local governmental agencies on a daily basis. Staff provides technical support to other Court Administration staff members. Staff maintains and updates the Magistrate and Municipal Judge Benchbook, which is available on the Judicial Department's website.

### **3. What are your performance levels for the key measures of financial performance?**

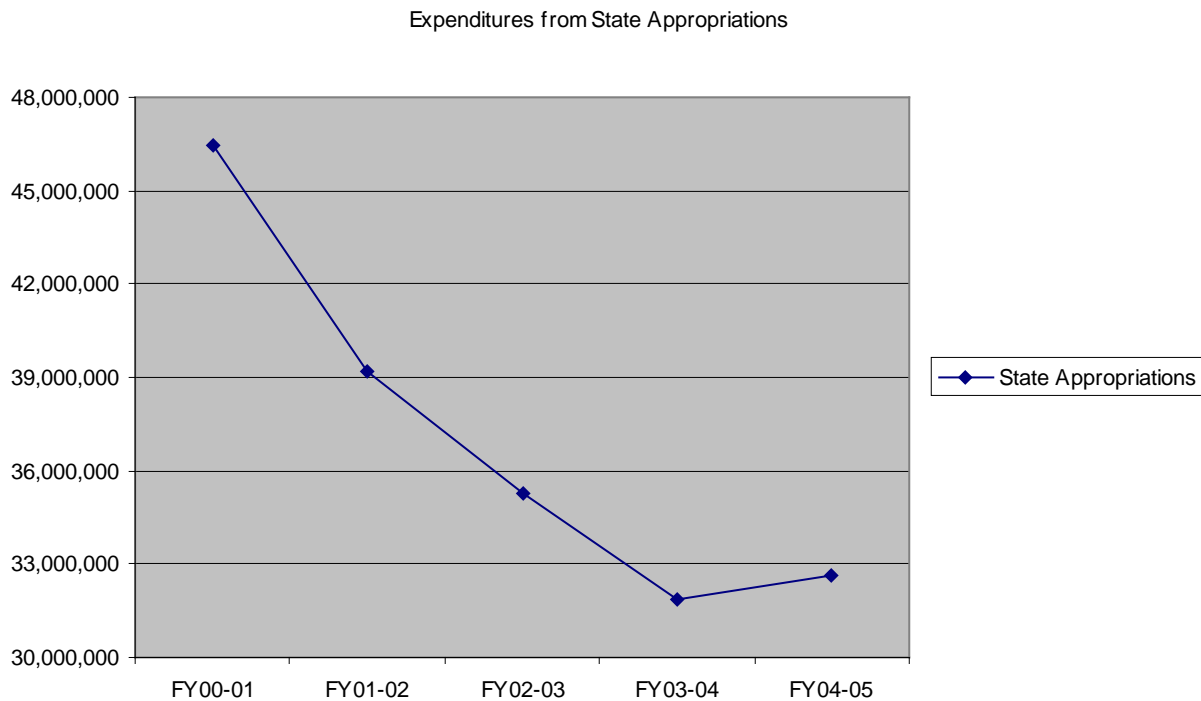
The Judicial Department continues to strive for excellence as it fulfills its mission and continues to grow into a more effective organization. Under the leadership of the Chief Justice, the Judicial Department has avoided furloughing and laying off employees during the recent difficult financial times.

Thanks to the insight of the Legislature, the Judicial Department has developed alternative sources of revenue. The Judicial Department continues to work with the County Clerks of Court and the County Treasurers to realize this source of funding. The fees and assessments enacted by the Legislature and collected for the Judicial Department have increased to more than 30% of the Judicial Department operating budget. A large portion of these fees and assessments are available to the Judicial

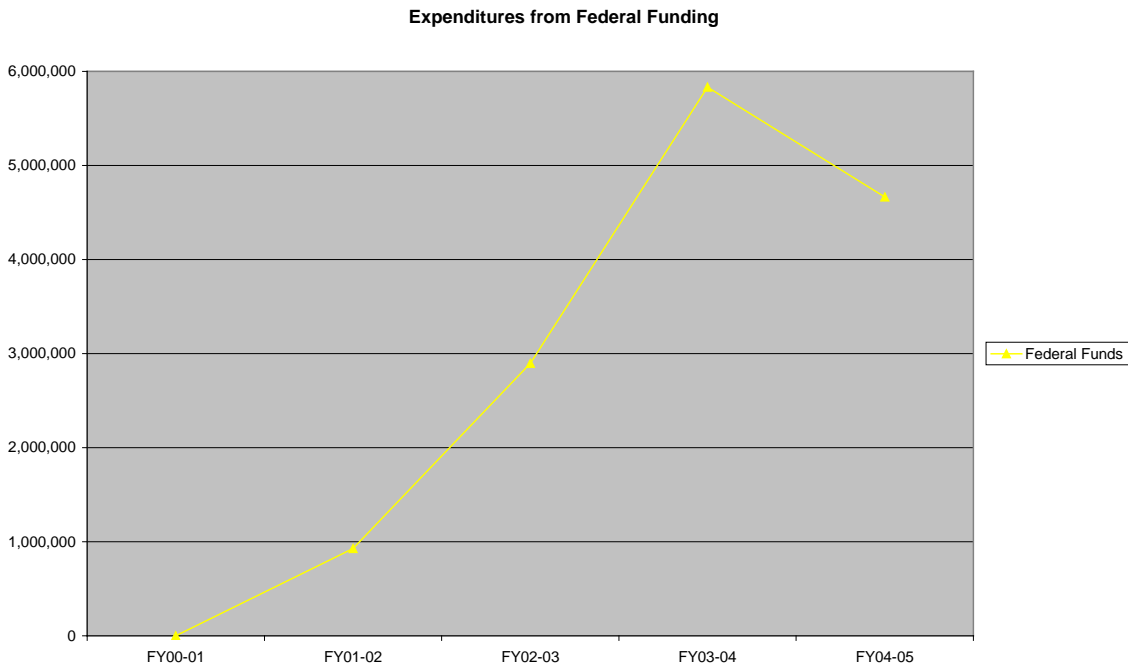
Department through appropriations act provisos. The Judicial Department continues to need a stable base of recurring funding for its operating budget.

The Judicial Department has also remained dedicated to the advancement of its mission through technology. The Judicial Department believes that by investing in human resources and technology, it will grow into a more responsive and cost effective organization. In order to do this, the Judicial Department has actively sought out sources of funding to enhance the funding provided by the general fund of South Carolina. Through the efforts of the Chief Justice, Information Technology Director and the Judicial Department's systems integrator, the Judicial Department has achieved a significant growth in federal funding at the same time State funding has been declining, as illustrated in Figures 3-1, 3-2 and 3-3. This federal funding is restricted to building technology infrastructure and cannot be used for general operations. These federal grant projects have enabled the Judicial Department to continue its modernization vision with technology during the state's fiscal crisis.

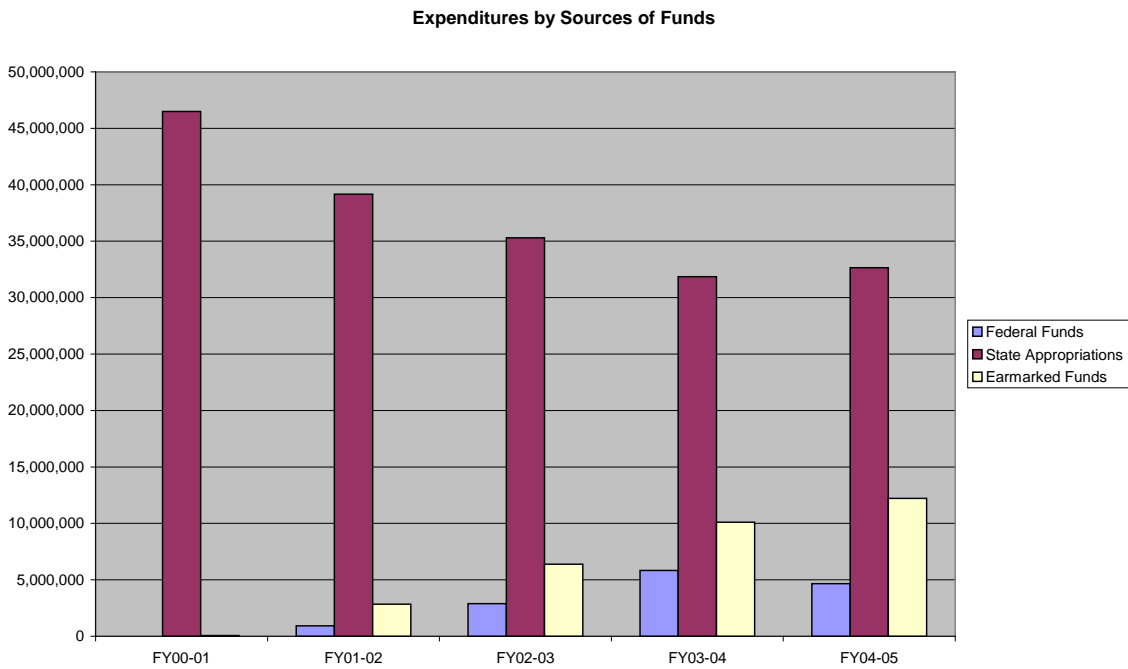
**Figure 3-1: State Appropriations**



**Figure 3-2: Federal Funding**



**Figure 3-3: Judicial Department Sources of Revenue**



**4. What are your performance levels and trends for the key measures of Human Resource Results?**

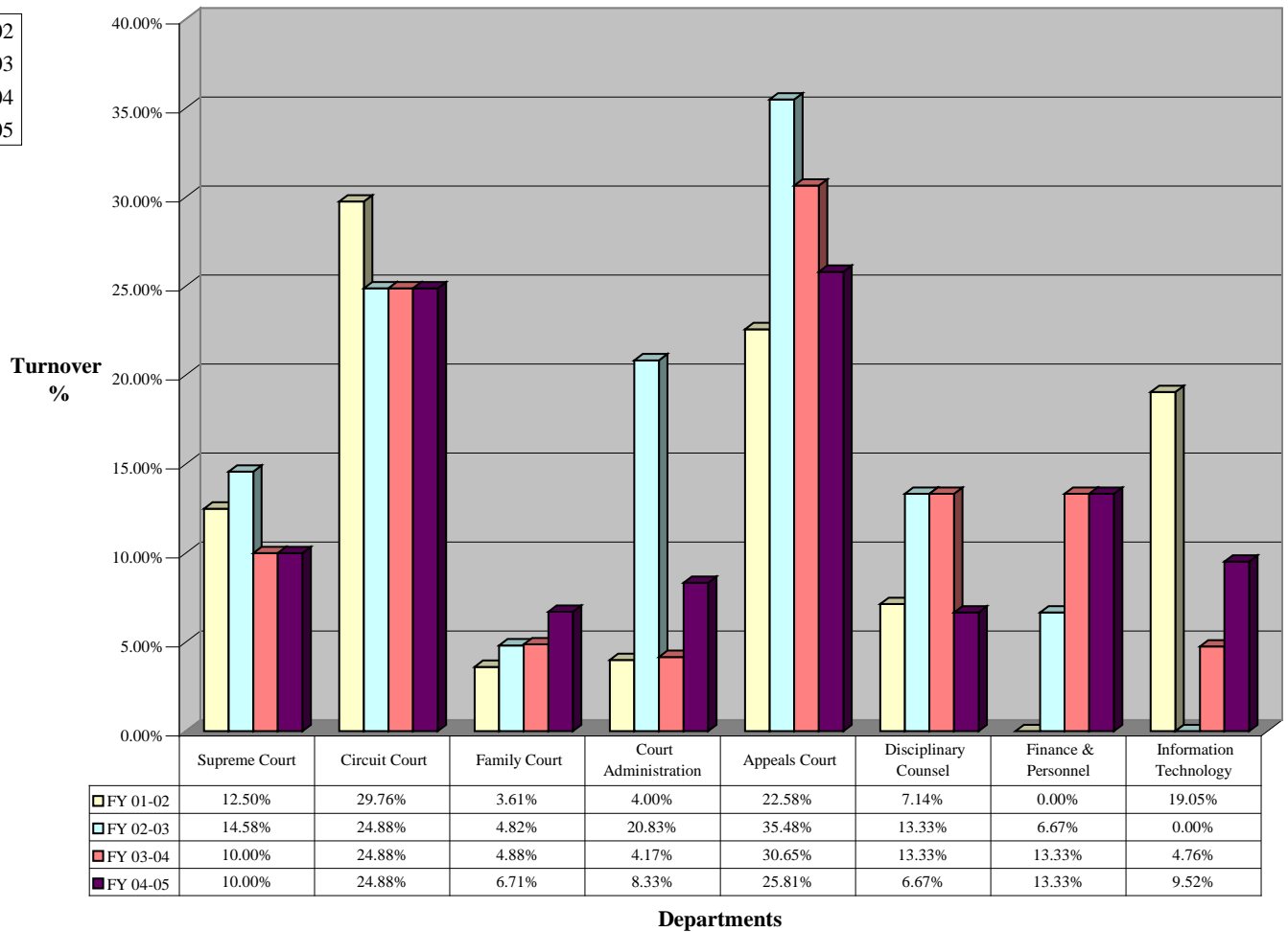
Employee turnover rates still indicate a high rate of job satisfaction in the Judicial Department. Tables 4-1, 4-2 and 4-3 reflect the Judicial Department's very stable work force and low overall turnover rate, which remains less than 6%. Also, most permanent employees have been employed by the Judicial Department for more than 10 years, and several employees have been employed by the Judicial Department for more than 25 years.

**Table 4-1: Judicial Department Employee Turnover**

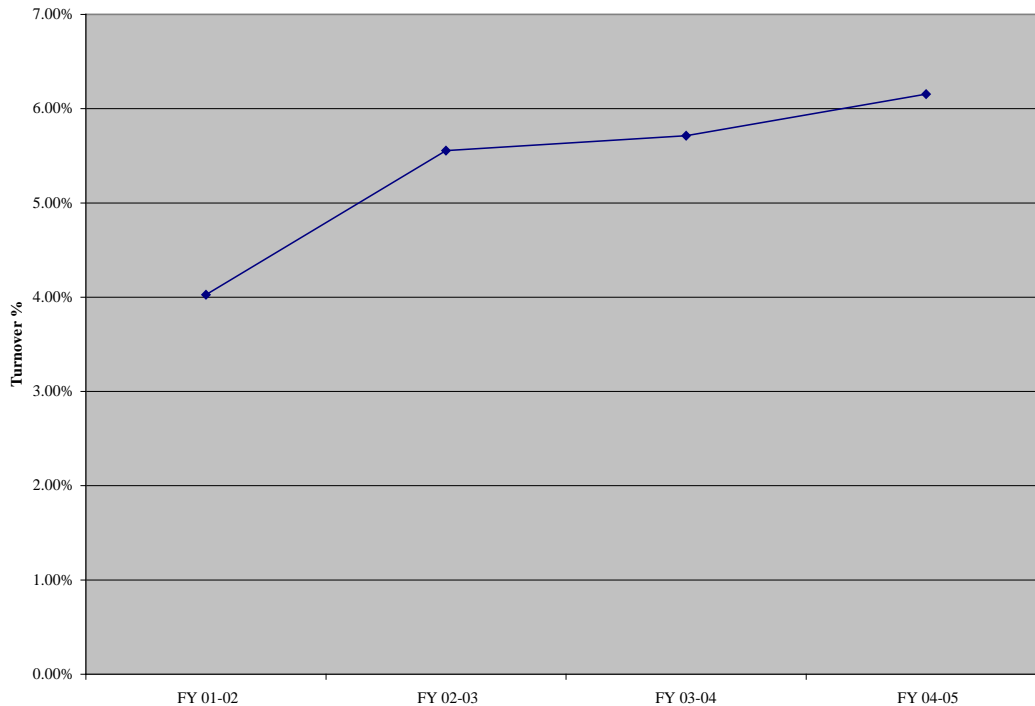
	FY 01-02			FY 02-03			FY 03-04			FY 04-05		
	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover
Supreme Court	48	6	12.50%	48	7	14.58%	50	5	10.00%	50	5	10.00%
Circuit Court	205	61	29.76%	205	51	24.88%	205	51	24.88%	205	51	24.88%
Family Court	166	6	3.61%	166	8	4.82%	164	8	4.88%	164	11	6.71%
Court Administration	25	1	4.00%	24	5	20.83%	24	1	4.17%	24	2	8.33%
Appeals Court	62	14	22.58%	62	22	35.48%	62	19	30.65%	62	16	25.81%
Disciplinary Counsel	14	1	7.14%	15	2	13.33%	15	2	13.33%	15	1	6.67%
Finance & Personnel	15	0	0.00%	15	1	6.67%	15	2	13.33%	15	2	13.33%
Information Technology	21	4	19.05%	21	0	0.00%	21	1	4.76%	21	2	9.52%
	556	93	16.73%	556	96	17.27%	556	89	16.01%	556	90	16.19%
Less Retirees & Non-Career Employees	(75)	(75)		(71)	(71)		(63)	(63)		(62)	(62)	
Less Vacancies	(34)			(35)			(38)			(39)		
	447	18	4.03%	450	25	5.56%	455	26	5.71%	455	28	6.15%

**Table 4-2: Judicial Department Employee Turnover**

# South Carolina Judicial Department Accountability Report 2004 – 2005



**Table 4-3: Judicial Department Employee Turnover**



The Judicial Department hires approximately 60 law clerks and staff attorneys for a one- or two-year term. These employees generally fulfill their terms and are given very challenging responsibilities and opportunities to observe and participate in the judicial process that few of their law school contemporaries will ever have. Further, among lawyers working for the Judicial Department, there is frequently movement between law clerks for trial court judges and law clerks and staff attorneys at the appellate level. This flexibility gives young attorneys the opportunity to experience the Judicial Department's work from more than one vantage point and develop diverse skills that will benefit those seeking legal assistance from these attorneys when the terms expire.

The Judicial Department actively seeks to develop the skills of its employees. For its employees that are lawyers, the Supreme Court provides training during the annual Judicial Conference, during a separate training seminar, and through monthly continuing education programs for appellate law clerks and staff attorneys.

As technology is further incorporated into everyday Judicial Department processes, training and development keep pace. All employees are required to complete training to improve their technical skills. As the Judicial Department standardizes its technology applications, employees are required to complete training in those applications and, where necessary, employees receive additional training such as training on the operation of scanning equipment and computer generation of rosters and court calendars.

##### **5. What are your performance levels and trends for the key measures of regulatory/ legal**

**compliance and community support?**

The Judicial Department recognizes the responsibility given to it to be a good steward of taxpayer dollars invested in the Judicial Department for human resources and for operating expenses. During the past eight years, the Judicial Department has had its financial records examined by the Office of the State Auditor six times. There have been informal suggestions, which have been implemented.

During this same time period, the Judicial Department has been examined three times by the Budget and Control Board Employee Insurance Program to determine compliance with the South Carolina State Employees insurance program. There have been no exceptions noted. The Judicial Department has also been audited twice by the Budget and Control Board Materials Management Office to determine compliance with the South Carolina consolidated procurement code and with Budget and Control Board policy. Two suggestions were implemented after the examination for the period ending December 31, 1997. Subsequent examinations have resulted in no suggestions for improvement.

The Judicial Department began filing an annual plan and report with the Governor's Office of Small and Minority Business Assistance (OSMBA) in 1998. Goals have been set in this program for that and every subsequent year. The Judicial Department strives not only to meet goals, but also to exceed them as the Consolidated Procurement Code allows. The Judicial Department report for the past year and plan for the current year have been accepted and approved by the Governor's Office.

The Judicial Department is now the recipient of federal grants. As a result, the Judicial Department has been required to file an indirect costs recovery plan with the Grantor. In the past, the Judicial Department's indirect costs recovery plan has been praised as an example of how such a plan should be constructed and presented. As a result, granting organizations have been more receptive to subsequent requests, which have helped obtain additional federal funding.